



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

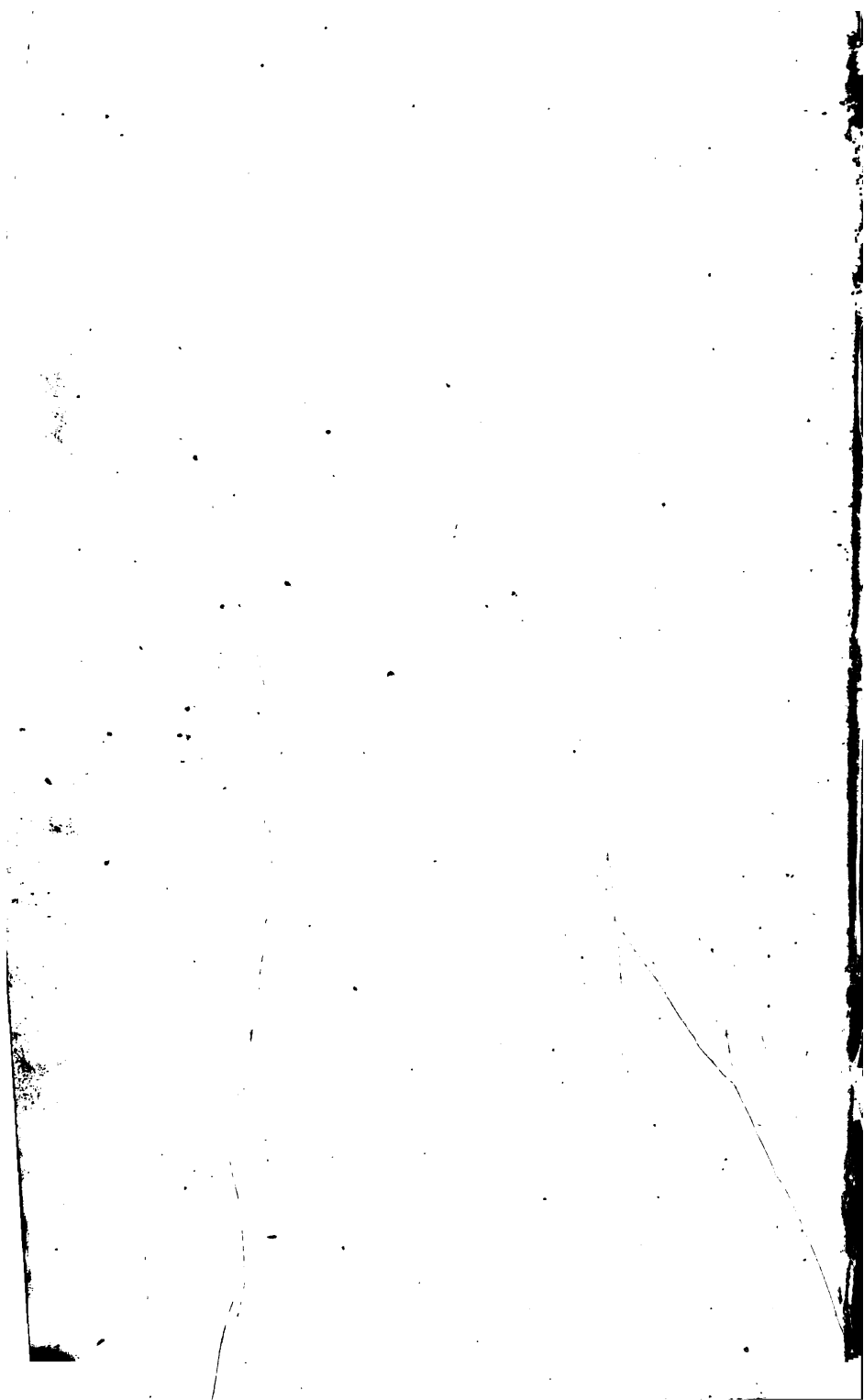
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

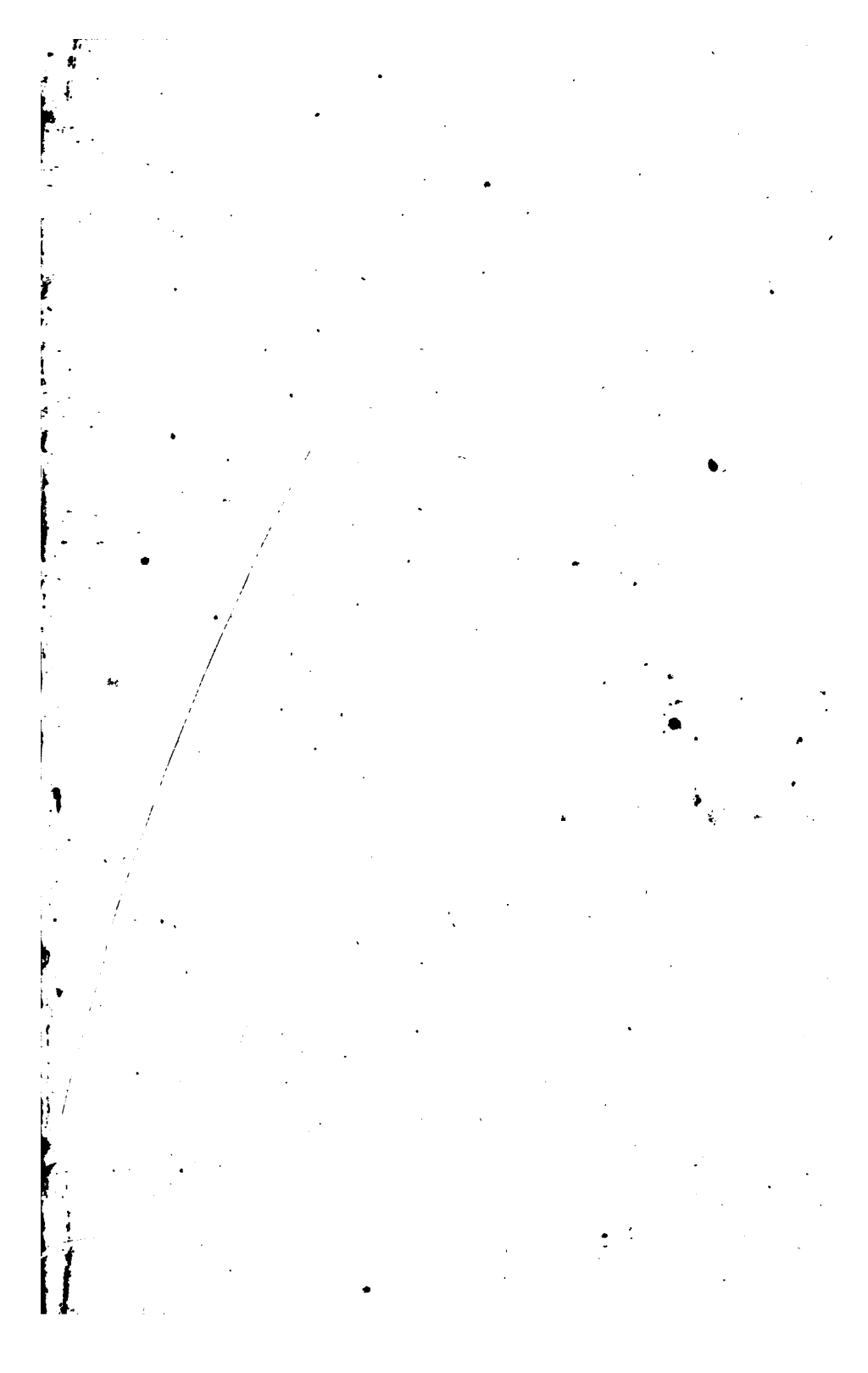
We also ask that you:

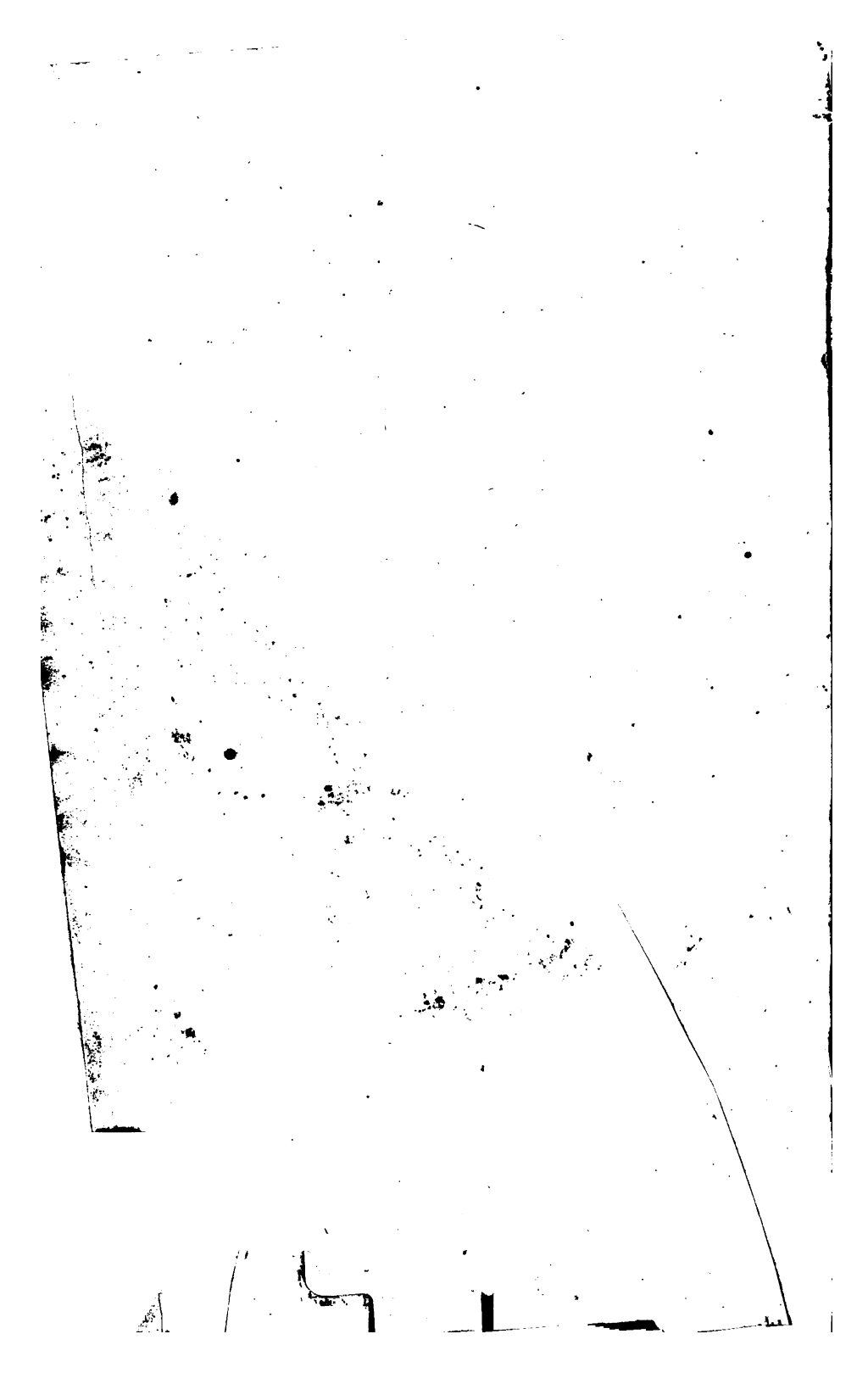
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>







ACTS

PASSED AT THE FIRST SESSION OF

THE THIRTY-SECOND

GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY.

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-
DAY THE THIRD DAY OF NOVEMBER 1823.

JOHN ADAIR, GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT, Ky:

PRINTED BY JACOB H. MOLEMAN,

PRINTER FOR THE STATE.

1824.

1669
MAY 14 1966

CONTENTS.

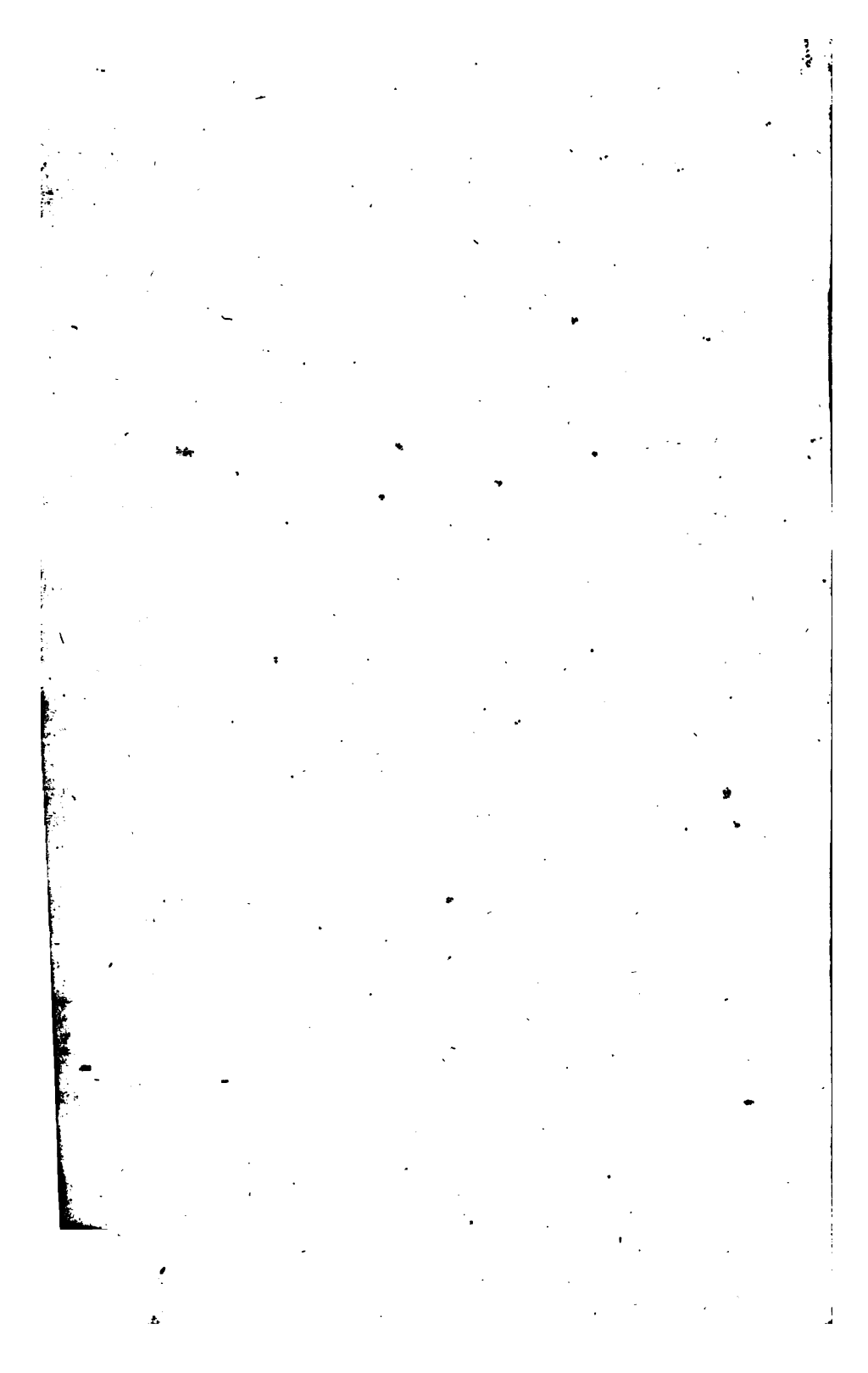
PAGE.	PAGE.
AN ACT for the relief of the ac-	trustees of the town of Hopkins-
cupities of the late sheriff of	ville in Christian county. 271
Ohio county.	
To alter the times of the sitting of	256 Supplementary to "an act for the
the Estill circuit court.	benefit of the children of Han-
For the benefit of the children of	257 nah Porter," approved Novem-
Hannah Porter.	ber 10, 1823. 276
Allowing certain Judges further	258 To prevent the removal of per-
time to remove from their res-	sons of colour who may be bound
pective districts.	to serve 277
To legalize the proceedings of the	258 Concerning the town of Elkton in
Hickman county court.	Todd county. 278
To authorize the Editor of the A-	259 For the benefit of John W. Riggs
merican Sentinel to insert cer-	and Joseph Paxton. 279
tain advertisements.	To alter the mode of appointing
To amend the law respecting the	Ib. trustees in the Madison Semi-
emancipation of slaves.	nary. Ib.
For the relief of the executrix and	260 To appoint commissioners to fix
executor of Wm. Gaunt dec'd.	upon a permanent seat of jus-
For the benefit of George Mat-	261 tice for Pike county and for
tingly.	other purposes. 280
For the benefit of Agnes Pye	262 To authorize the sale of a part of
Usher.	the public square in the town of
To regulate the town of Nicho-	263 Cadiz. 282
lasville.	Ib. Further to regulate the debt due
To amend and extend the law au-	the Commonwealth for the sale
thorizing a turnpike on the road	of vacant lands. 283
leading from the counties of	For the benefit of Henry Derham
Madison and Rockcastle to the	and John Ferguson. 284
Goose Creek salt works.	To authorize the Editors of the
To authorize the county court of	267 Green River Correspondent
Lawrence to lay an additional	and the Commonwealth to in-
levy.	sert advertisements therein. Ib.
To provide for the correction of	268 Extending the jurisdiction of the
an error in the conveyance of	trustees of the town of Paris.
two lots in the town of Green-	Allowing further time for survey-
upsburg.	ing head right lands and Regis-
For the benefit of Absalom Rus-	Ib. tering the same. 287
sell.	To provide for limitations in cer-
To declare Little Sandy River a	269 tain actions. Ib.
navigable stream.	Providing for a change of venue in
For the benefit of Daniel Curo	the case of William Wells. 289
surveyor of Barren county.	To change an election precinct in
For the benefit of John Phemister.	271 Pike county and for other pur-
For the benefit of John Eastes.	Ib. poses. 291
For the benefit of Benjamin Work-	272 For the benefit of Harman Great-
man of Adair county.	house. 294
To declare Kinnakinnick in part	Ib. For the benefit of Mary Karr and
navigable.	her children. 295
For the relief of John Wheelon.	273 For the benefit of Braddock Ba-
To increase the powers of the	274 ker. 296
	To establish election precincts in

Washington and Calloway counties.	297	Beall late of the county of Campbell.	331
To establish the county seat of Morgan county.	299	For the benefit of Joseph F and Thomas Rotoch of Massachusetts Supplemental to the act establishing the county of Oldham.	333
For the better regulation of the Southern College of Kentucky, and for other purposes.	301	To provide for running the line between the counties of Knox and Harlan.	334
Authorizing the inhabitants of Morgan county to vote at their present seat of justice.	Ib.	Allowing additional directors to certain branches of the bank of the Commonwealth.	Ib.
For the benefit of William Scott, To amend the act entitled "an act for the benefit of the wife and children of Benjamin Herndon.	302	Forming a new county out of parts of the counties of Hardin and Breckenridge.	335
For incorporating the Hartford Bridge Company.	Ib.	To establish the county of Graves.	336
To legalize the proceedings of the circuit and county courts of Morgan county.	303	To revive the law providing for the appointment of Commonwealth's attorneys.	338
For the benefit of Agnes McPhail	308		340
For the benefit of William and Manly Cannon.	309	For the benefit of George Payne of Union county and George Payne of Henry county.	Ib.
Allowing additional constables to the counties of Washington and Casey.	310	Providing for a change of venue in the case of Elijah Walton.	341
To declare the Wolf-lick Fork of Muddy river navigable.	Ib.	To amend an act to establish a Seminary of learning in the county of Hart.	342
To amend an act entitled, "an act for the benefit of Polly Simpson and her children.	311	For the benefit of Thomas Mullens.	344
For the benefit of Denise Fischli.	312	To compensate Henry Clay and John Rowan for their services as counsel for the state of Kentucky, under the convention with Virginia.	Ib.
For the benefit of the late sheriff of Adair county.	Ib.	Establishing election precincts in the counties of Fayette, Harrison and Lawrence and for other purposes.	345
For the benefit of Patsey Sprohle.	313	For legalizing the proceedings of the county court of Warren in laying the levy at the November term 1823.	348
For the benefit of David and Robert Griffith.	Ib.	To amend an act entitled, "an act to incorporate a turnpike road company from Louisville to Portland and Shippingport.	349
To amend the act for the establishment of a state road from Lexington to Ghent on the Ohio river.	314	For the benefit of James Kirkham's heirs.	341
For the benefit of Andrew Hemphill of Jessamine county.	315	For the benefit of Jane Proctor and her children.	Ib.
To legalize the proceedings of the Simpson county court.	316	Appointing trustees to the town of Fairfield in Nelson county.	352
To authorize Leaven Luckett to complete the erection of a mill on Hinkston and for other purposes.	317	For the benefit of Chasteen T. Dunivan sheriff of Warren county.	Ib.
For the benefit of Joseph Ketcham.	318	To amend an act entitled, "an act to incorporate the Cynthia Library Company.	353
For the benefit of John A. Stevenson and wife.	319	For the benefit of the widow and children of Edward McGuire, dec'd.	354
To amend the several laws now in force concerning the town of Mayssville, county of Mason.	320		
To establish the county of Oldham	328		
To add a part of the county of Fleming to the county of Nicholas.	330		
For the benefit of the heirs of Benjamin Beall and Jannette H.	330		

For the benefit of Benj. Wright.	355	For the benefit of Herbert G. Waggener, late sheriff of Adair county.	380.
Allowing additional justices of the peace to certain counties.	1b.	For the benefit of James M. Pike.	1b
To authorize the transcribing a book of entries in the office of the surveyor of Nelson county and for other purposes.		For the benefit of Peter Breeding and others of Casey county.	381
For the benefit of Thomas Pitman	357	To correct an accidental variance in the books of the auditor and treasurer.	383
Providing for a change of venue in the case of William Cornwell.	359		
To prolong and continue in force an act for the benefit of Joseph Barnett and his associates.	360	For the benefit of the devisees of John Thurston deceased.	1b
For the benefit of the heirs of Byrd Lanear,	362	For the benefit of the heirs of Philip Bockner, deceased.	385
To abolish an election precinct in Cumberland county.	363	To amend the law concerning ferries.	386
For the benefit of Frederick Snider.	364	For the relief of the representatives of John Bacon, deceased.	387
For the benefit of John Cottrell and others.	1b.	For the benefit of the administrators of Rezin Clubb, deceased.	388
To amend the law in relation to the turnpike, and wilderness road.	365	For the benefit of Ryland T. Dillard and others.	389
For the benefit of the late sheriffs of Ohio, Breckenridge and Daviess counties.		For the benefit of Trevor, Paul and company.	390
For the relief of the acting executor of William Hardin, deceased.	1b	To regulate the issuing executions.	1b
To repeal in part an act, entitled "an act to amend an act regulating taverns and restraining tipping houses."	366	To authorize the surveyors of Harlan and Jefferson counties to transcribe certain books in their offices.	392
To compensate John Sterritt for surveying the road from Bowling-green to the mouth of Clover creek on the Ohio river.	367	To regulate the toll of certain turnpike gates in this commonwealth.	394
Incorporating the Harrodsburg library company.		For the benefit of the heirs of Benjamin Cullen, deceased.	1b
To amend "an act authorizing a lottery, for opening a road from Beaver creek Iron works to Prestonsburg, and for other purposes."	368	To authorize the register to transcribe certain entries.	395
To prescribe the duties of the judges of the court of appeals, and for other purposes	1b	To amend an act for surveying the military claims west of the Tennessee river.	396
More effectually to suppress gaming	1b	To amend the act to regulate endorsements on executions.	397
To repeal all laws which give the right of replevy to officers and attorneys at law, who officially collect money and refuse to pay over the same; and for other purposes.		To repeal the law authorizing the establishment of a state road from Frankfort to Bowling-green.	398
To fix the ratio and apportion the representation for the ensuing four years.	371	To change the time of holding the circuit and county courts of Calloway county.	1b
For the relief of Thomas Hughes, sheriff of Bourbon county.	372	For the benefit of Lydia Smith.	399
For the benefit of certain sheriffs.	373	For the relief of the sheriffs of Lincoln and Jessamine counties.	1b
		To allow additional justices of the peace to the counties of Trigg and Garrard.	400
		For the benefit of Robert Davis.	1b
	379	To amend an act entitled, an act to open a road from Mount Sterling to the Virginia line, by the way of Prestonsburg, and for other purposes.	402
	376		
	378	For the benefit of Alexander Guffey.	404
	379		

Providing for opening a road from Franklin to Owensborough, on the Ohio river.		
To prevent the masters of vessels, and others from employing or removing persons of colour from this state.		
For the benefit of Daniel Trabue and others.		
Appointing commissioners for the protection of the navigation of Big Barren river.		
For the benefit of George Corn and Samuel Foster.		
To extend the terms of the Green circuit court.		
To amend an act entitled, "an act to enlarge the Penitentiary, and to provide for a more speedy sale of the articles manufactured in that institution," approved December 10, 1822.		
Prescribing the duties of the reporter of the decisions of the court of appeals.		
For the divorce of Nancy Eastland, Sally Chesney and Peyton Chapman.		
For the benefit of Thomas Rutledge.		
For the benefit of Robert C. Slaughter.		
To amend the act incorporating the Centre College of Kentucky at Danville.		
For the benefit of Joseph Cummins and others.		
To authorize the executors of Brumfield Long to convey certain lands.		
To establish a Botanical Garden.		
Allowing an additional term to the county court of Hardin.		
For the benefit of the widow and heirs of James Dunbar, dec'd.		
Altering the mode of distributing the Acts, Journals and Reports.		
To amend an act entitled "an act for the benefit of religious societies in this commonwealth," approved February 1st, 1814.		
To incorporate the Republican Circulating Library Company.		
To alter the time of holding certain circuit courts.		
For the benefit of the executors of John B. Wooldridge.		
To amend an act entitled "an act to abolish imprisonment for debt, and subject equitable interests to execution."		
For the benefit of Nancy Strode.	428	
For the benefit of Joshua Barbee and the devisees of John Barbee, deceased.	405	Ib
For the benefit of the Lexington Presbyterian Congregation.	406	429
For the relief of certain aliens.	430	
To amend the several acts concerning the town of Cynthiana.	407	431
To carry into operation the Lunatic Asylum.	408	432
For the benefit of the heirs of Richard Cocke and Mary Cocke deceased.	409	434
To establish election precincts in certain counties.	410	435
To improve the navigation of Big Sandy river.		437
For the divorce of Aaron Ernest, Elizabeth Noel and William Thomson.		441
To establish the county of Spencer.	Ib	Ib
To revive and amend the chimney and maintenance law, and more effectually to secure the bona fide occupants of land within this commonwealth.	412	443
To change the terms of the Woodford circuit court.	413	451
To alter the time of holding certain circuit and county courts.	414	Ib
To increase the allowance to indigent pupils in the Asylum for the education of the Deaf and Dumb, and for other purposes.	415	452
Concerning the Bank of Kentucky and the Bank of the Commonwealth.	Ib	453
For the benefit of sheriffs.	417	454
To repeal all laws allowing a replevin of two years on contracts entered into after the first day of June next.	418	455
Declaring Dick's river navigable.	419	456
For the benefit of Robert Kinkad.	420	457
To lay off the state into electoral districts.	421	Ib
To establish the town of Mayfield in Graves county, and to provide for the sale of the lots.	422	460
To legalize the proceedings of the Woodford county court at their January term, 1824.	423	Ib
To change the venue in the case of John Williams.	424	461
For the benefit of the heirs of David Davidson.	425	462
For the benefit of the stockholders of the Farmers' and Mechanics' Bank of Logan, and for	426	

other purposes.	463	For the benefit of John Anderson.	473
Supplemental to an act establishing the county of Spencer.	468	For the benefit of certain seminaries.	Ib
To add a part of the county of Floyd to the county of Morgan, and for other purposes.		Concerning the Directors of the Bank of Kentucky.	474
For the benefit of Nancy Gravens.	Ib	For the benefit of the sergeant of the court of appeals.	475
To apply the nett profits of the Bank of the Commonwealth for the year 1824, in aid of the public revenue.	469	Supplemental to an act entitled "an act supplemental to an act apportioning the representation of this commonwealth."	476
Authorizing certain county courts to hold additional terms.	Ib	For the appropriation of money.	Ib
Supplemental to the act fixing the the ratio and apportioning the representation for the ensuing four years.	470	To authorize the insertion of certain advertisements in the News-letter and Telegraph.	480
To authorize the clerk of Hickman county court to transcribe certain records.		Omitted Acts.	481
Further to regulate the town of Christiansburg, and for other purposes.	472	471 Providing for the redemption of land sold for taxes.	Ib
		RESOLUTIONS.	484
		Ib INDEX.	528



ACTS

OF THE

GENERAL ASSEMBLY.

CHAP. DXXXVII.

*an ACT for the relief of the securities of the late
sheriff of Ohio county.*

Approved, November 5th, 1823.

WHEREAS, it is represented to the General Assembly, that Col. William Rogers, late Sheriff of Ohio county, has departed this life, and that owing to his long illness before his decease, much of the revenue tax and county levy, as also many muster fines for the year 1822, remain uncollected, and his securities having petitioned the Legislature for time to make the collections, and that Lewis Rogers who was the deputy of the said William and one of his securities, may be authorized to make the collections: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Lewis Rogers be, and he is hereby authorized and empowered to collect so much of the revenue tax and county levy as remains due and uncollected, in the county of Ohio, for the year 1822, as also so much of the muster fines and clerks fee bills as were in the hands of the said William Rogers, Sheriff of that county, for collection at his death, and to collect whatever other dues, the said William might have officially collected, and to do whatever other official business, for the doing of which the said William was bound as the late Sheriff of the county of Ohio, and the period of six months from and after the passage of this act is allowed the said Lewis Rogers to make the collections aforesaid and account with the proper officers therefor.

But nothing in this act shall diminish or impair the liability of the securities of the said William Rogers—but they are to remain liable upon their bonds, for whatever shall not be accounted for by the said Lewis at the expiration of the period aforesaid.

CHAP. DXXXVIII.

An ACT to alter the times of the sitting of the Estill circuit court.

Approved, November 6, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That instead of the times which the circuit court of Estill now sits, it shall hereafter commence its session on the third Mondays in April, July and October, and continue in session one week at each term, if the business in said court require it.

Sec. 2 *Be it further enacted*, That all recognisances, bonds and process depending in or issued by said court. shall be as valid and effectual as they would have been if this act had not passed.

CHAP. DXXXIX.

An ACT for the benefit of the children of Hannah Porter.

Approved, November 10, 1823.

Preamble

WHEREAS Thomas Kennedy, senior, of the county of Campbell, has departed this life, having previously made his will, by which he devised a considerable real estate to the children of William Porter by his wife, Hannah Porter, (formerly Hannah Kennedy) and Samuel Kennedy one of his sons, appointing the said Porter, Samuel Kennedy and Joseph Kennedy his executors, who were authorized to divide or sell said estate at their discretion, and whereas, the said Samuel Kennedy and William

Porter did, on the fifth day of April 1822, by agreement in writing, divide said real estate and that such of the children of said William Porter as have arrived of age, have authorized a sale of that part of said estate which was allotted to them, Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said William Porter, by himself or his proper attorney in fact be, and he is hereby authorized to sell and convey the whole or such portion of real estate belonging to his said children as lies in the county of Campbell, as to him may seem just and right, and upon such credit as to him may appear best.

To sell and convey.

Sec. 2. That previous to the said William Porter or his attorney proceeding to sell or convey said real estate, ~~or any part thereof~~, he shall enter into bond and security, to be approved by the county court of Campbell, in the penalty of ten thousand dollars, to his said children, that he will account and pay over the proceeds of said estate to his children by his wife Hannah, in such portions and at the times provided for in the last Will and Testament of the said Thomas Kennedy deceased.

To give bond

Sec. 3. That the said William Porter and his security or securities shall be liable upon the aforesaid bond, as guardians now are to their wards, *Provided*, that in case any fraud shall be practised by the said Porter in the sale of said real estate or any part thereof, his said children or any one or more of them may investigate the same in a court of chancery and the said Porter and his security or securities shall be liable to the value of the land at the time of sale.

How liable &c

CHAP. DXL.

An ACT allowing certain Judges further time to remove into their respective districts.

Approved, November 11, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the time now allowed the Judges of the eleventh and thirteenth judicial district to move into and re-

side within their respective districts, the further time of twelve months be allowed them for that purpose.

CHAP. DXLI.

An ACT to legalize the proceedings of the Hickman county court.

Approved, November 12, 1823.

Preamble

WHEREAS, it is represented to the present General Assembly, that the county court of Hickman county, in the month of February last, at their usual place of holding courts in said county, proceeded to take bond from and qualify Isaac B. Gibson as sheriff of said county, who was duly commissioned as such, on the day appointed by law for holding the circuit court for said county, and whereas doubts exist as to the legality of their proceedings, for remedy whereof,

Proceedings
declared legal

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings of said county court, concerning said sheriff be, and the same are hereby declared legal and valid to all intents and purposes, to the full extent they would have been if done and performed at any other term of said county court of Hickman.

CHAP. DXLII.

An ACT to authorize the Editor of the American Sentinel to insert certain advertisements.

Approved, November 12, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall, and may be lawful for the editor of the American Sentinel, a newspaper printed in Georgetown Kentucky, to insert in said paper, any, and all advertisements which are authorised to be published in this state, except such as are particularly directed to be published in the paper of the Public Printer. And the editor of said paper shall have a right to demand,

and receive the same fees for his services as are now allowed by law to other printers for similar services: *Provided*, that nothing herein contained shall be construed so as to authorise the insertion of such advertisements as are particularly required by law to be published in the paper of the Public Printer.

CHAP. DXLIII.

An ACT to amend the law respecting the emancipation of slaves.

Approved November 13, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That after the first day of March next, it shall be the duty of the several county courts, when receiving the proof of any deed of emancipation, or when receiving the proof of any will, whereby any slave or slaves shall be directed to be emancipated, or when receiving the acknowledgment of any deed of emancipation, to cause the slave or slaves so about to be emancipated to come before the court, at the time of receiving the proof of any such deeds, or wills, or the acknowledgment of such deeds; and upon the view of the slave or slaves so to be emancipated, note upon the order book a particular description of such slaves, as to colour, age, form, height, and particular accidental marks.

The county courts when receiving the proof or acknowledgment of a deed of emancipation, or of a will emancipating slaves, to note on their record a description of such slaves.

Sec. 2. *Be it further enacted*, That every certificate of emancipation issued by any of the clerks of this commonwealth, shall contain a complete transcript of the description as herein required, taken from the order book of his court; and not more than one certificate of emancipation of any slave shall be delivered to such slave, but upon satisfactory proof made to the county court of the county, where the description is noted, of the loss of the first by some inevitable casualty; nor shall any other person obtain a copy of a record of emancipation, but upon an affidavit shewing that it is designed to be used as matter of evidence in some legal controversy existing, or which may probably exist.

The certificate of such emancipation to contain such description, and but one certificate to issue, except on proof of the loss of the first certificate, or that it is to be used as evidence in some suit.

Sec. 3. *Be it further enacted*, That after the said first day of March next, if any slave who has heretofore been emancipated, or who shall hereafter be emancipated, shall knowingly deliver his certificate of emancipation to any slave, or shall knowingly cause the same to be so delivered to any slave, designing to enable said slave to use the same as evidence of his freedom, shall be deemed a felon, and being convicted of such offence shall be punished therefor by confinement in the jail and penitentiary house of this commonwealth, for a period of at least one year, and not more than two years; and moreover, if convicted the second time of the like offence, his confinement therefor in the said jail and penitentiary house shall be at least two years, and not more than four years.

Penalty on a slave delivering to a slave his certificate with a design to emancipate such slave.

Penalty for a second offence.

CHAP. DXLIV.

An ACT for the relief of the executrix and executor of William Gaunt, deceased.

Approved November 13, 1823.

WHEREAS it is represented to the present General Assembly that William Gaunt, an alien, died seized and possessed of a small real estate, consisting chiefly of a house and lots in the town of Georgetown, in this state, and that he did by his last will, direct his debts to be paid, and that the executors supposing themselves to be authorized to dispose of the said estate to pay his debts, have contracted to sell the same, but doubts arising as to their ability to sell, they have applied to this Legislature to release the claim of the state to the wife and widow of the said decedent, and to vest the executrix and widow Eliza Gaunt, and her father, the acting executor, John M. Hewitt, who are also the devisees, power to sell and dispose of the real estate aforesaid for the payment of the debts of said Gaunt:

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That all the right and interest of the state, in and to the real estate aforesaid be relinquished, and given and granted to

The com'lth's right of es-

the said Eliza Gaunt, subject to the payment of the debts of the said William Gaunt; and the said Eliza Gaunt and John M. Hewitt are hereby authorized and empowered to convey to the purchaser in the same manner as if the said William had expressly authorized them to do so, and vest in the purchaser all the right, title and interest of the commonwealth and of the said William Gaunt's devisees, and if the contract already made shall fail, from any cause whatever, then that they may sell for the like purpose to any other purchaser; subject however to this further trust, that the amount received for the sale of such real estate after payment of the debts of said William Gaunt, shall be held and go according to the provisions of his will, in the same manner only, as if he had been a citizen of the United States at the time of his death.

cheat in and to certain lots of land of the dec'd. vested in his ex'rs in trust for the payment of his debts. who are authorized to sell and convey the same for that purpose.

CHAP. DXLV.

An ACT for the benefit of George Mattingly.

Approved November 13, 1823.

WHEREAS it is represented to the General Assembly of the commonwealth of Kentucky, that at the May term, 1820, of the Washington circuit court, a certain Thomas Cambron, of Washington county, was by the verdict of a jury empannelled for that purpose, found to be a lunatic, and possessed of no property; and that said court failed to make him an allowance for his support, and appoint a committee to take care of him; and that George Mattingly of said county, actually expended the sum of sixty dollars for the support of the said Thomas Cambron:

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of public accounts be, and he is hereby authorized to issue his warrant on the Treasurer of this state for the sum of sixty dollars. in favor of the said George Mattingly, to be paid out of any monies not otherwise appropriated by law.

CHAP. DXLVI.

An ACT for the benefit of Agnes Pye Usher.

Approved, November 17 1823.

Recital.

WHEREAS, it is represented to the present general assembly, that Diana Lewis, *an alien*, but late of Louisville, died possessed of a small piece of land, near Lexington, containing about ten acres, and by a noncupative will, duly proven and recorded in the Jefferson county court, devised her whole estate, real and personal, to Agnes Pye Usher, then and still an infant, but a natural born citizen of the United States and now a resident of Kentucky, and whereas the grand-father of the said Agnes Pye Usher hath, on her behalf, petitioned the Legislature to vest the estate of the said Diana Lewis in her real estate in the said Agnes Pye Usher, and to release the claim of the state thereto, For remedy whereof,

Common-wealth's right vested in her.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title and interest of this Commonwealth, in and to the real estate of the said Diana Lewis, shall go and pass to the said Agnes Pye Usher, and that said Agnes Pye Usher shall stand seized, and hold the same according to the provisions of the will aforesaid, in the same manner and under the same restrictions that she would have done had the said Diana Lewis been a citizen of the United States, and her will have been duly reduced to writing according to the statute of this Commonwealth regulating devises.

CHAP. DXLVII.

An ACT to regulate the town of Nicholasville.

Approved, November 18, 1823.

Voters in said town to elect trustees.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the free white male inhabitants of the town of Nicholasville, who shall have attained the age of twenty one years, and upwards, shall meet annually in each year, at the

court house in the said town, on the first Monday in May, and elect seven trustees for said town, which trustees shall possess the qualifications hereinafter mentioned; and a majority of them so elected, shall be sufficient to constitute a board, who shall be, and they are hereby authorized to make such bye-laws for the government and regulation of said town as to them shall seem proper, not inconsistent with the constitution and laws of this state. The said trustees shall have full power and authority to impose a poll tax annually, on the male inhabitants of full age, not exceeding one dollar each. Their powers

Sec. 2. *Be it further enacted*, That the said trustees shall appoint their clerk or any other officer they may think proper, who shall continue in office for and during the time for which the trustees, who appointed them, shall remain in office, and the said trustees shall have power and authority to remove any officer by them appointed, for neglect of duty or malfeasance in office, and appoint any other instead of the person so removed. Trustees to appoint clerk &c.

Sec. 3. *Be it further enacted*, That the trustees of said town, or a majority of them shall have full power and authority to levy a tax annually, on the real property in said town, in proportion to the value of the lots in their improved state, not exceeding one hundred cents for every hundred dollars value, and the said trustees or a majority of them, shall have power to cause an assessment to be made of the value of the lots in said town by some person or persons, appointed by them, in order to enable them to fix the sum to be paid by the proprietors or occupants of said lots; *Provided, however*, that a majority shall concur in laying the tax. Trustees to levy tax.

Sec. 4. *Be it further enacted*, That the trustees, or a majority of them, may appoint some fit person to collect the taxes imposed by them; whose duty it shall be to collect and account for the same to the trustees, within six months after he shall have been furnished with a list of said taxes, and if any person shall fail or refuse to pay the same, the said collector shall make distress and sale of property by giving thirty days notice by advertisement, at three of the most public places in said town. Property to be valued.

Sec. 5. *Be it further enacted*, That the collector shall not be allowed to sell any lot or part of lot to satisfy the tax due thereon, where sufficient personal Trustees may appoint collector.

Lots not to be sold for taxes.

estate can be found on such lot or lots or parts of lots, and should a tenant of any lot or lots be compelled to pay the tax on any lot or lots, he, she or they shall retain a lien on said lot or lots until the said sum is repaid by the owner with twenty per cent per annum thereon, unless it is expressly agreed between the tenant and landlord, that the tenant is to pay the tax of said lot or lots : *And provided also*, that the tenant shall notify the land-lord if he be in the county, or his agent, that the tax is demanded of him.

Twelve months given to redeem lots

Sec. 6. *Be it further enacted*, That where any lot or lots or parts of lots, may have been sold for the taxes due thereon and costs of sale, that the owner or owners, his, her or their heirs, executors or administrators, shall have twelve months, from the time of sale of the lot or lots or parts of lots, to redeem the same by paying to the purchaser or purchasers the amount of tax and costs, with one hundred per centum thereon.

Trustees to make deeds

Sec. 7. *And the trustees of the said town shall have full power to convey to the purchaser by deed or deeds of conveyance, the lots or parts of lots, sold under the provisions of this act, and not redeemed within the time allowed for redemption, which shall vest in the purchaser, his, her or their heirs or assigns, all the right, title or interest of the owner or owners of said lot or lots or parts of lots ; saving however, to infants, feme coverts and persons of unsound mind, a right to redeem within three years after their several disabilities shall be removed.*

Saving to infants &c.

Collector to give bond

Sec. 8. *And be it further enacted*, That the collector shall give bond with security to the said trustees, for the faithful discharge of his duty.

Proceedings against collector &c.

Sec. 9. *And be it further enacted*, That in case the said collector shall fail to pay the money collected by him to the trustees as aforesaid, they may, upon giving him ten days previous notice in writing, recover judgment against said collector and his securities in the county court of Jessamine, by motion.

Trustees to make allowance to clerk

Sec. 10. *Be it further enacted*. That the trustees shall, at some one of their meetings in each year, make such allowance to their clerk and other officers, as they may think proper, to be paid out of any monies collected in pursuance of this act.

Allowance to collector.

Sec. 11. *Be it further enacted*, That the collector shall be allowed seven per cent on all monies collect

ed by him, and twenty five cents for each sale of property under this act.

Sec. 12. *Be it further enacted*, That the clerk shall take an oath before he enters upon the duties of his office, lawfully to keep and preserve the books and papers confided to him and to make true and correct entries of all bye laws, passed by the said trustees, which oath shall be administered by the president of the board.

Clerk to take an oath.

Sec. 13. *And be it further enacted*, That the trustees shall severally take an oath, faithfully to discharge the duties assigned them by this act, before they enter upon the discharge thereof, which oath shall be administered to them by a justice of the peace, and recorded by the clerk.

Trustees to take an oath.

Sec. 14. *Be it further enacted*, In case a vacancy shall happen in the said board of trustees by death, resignation or otherwise, between the election for trustees for said town, the remaining trustees or a majority of them, shall meet within one month thereafter and supply such vacancy or vacancies, which said trustee or trustees so appointed shall possess the same power and qualifications as though elected at the general election, and shall continue in office until the next general election for trustees and no longer.

Vacancies in the board how filled.

Sec. 15. *Be it further enacted*, That it shall be the duty of the clerk of the board of said trustees, to give notice of the time of election, by advertisement at three of the most public places in said town, at least three weeks before the annual election, and should an election not be held on the day appointed by the act, the county court is hereby empowered to appoint the requisite number of trustees, who shall continue in office until the next annual election and possess all the powers that they would have, had they been chosen at the annual election.

Notice of election for trustees to be given.

County court may appoint trustees.

Sec. 16. *Be it further enacted*, That the trustees of said town are hereby authorized to recover any sum not exceeding five dollars for every breach of their bye-laws or ordinances, which fine shall be recovered before any justice of the peace for the county of Jessamine, in the name of the trustees, which fines shall be applied towards the use and benefit of said town.

Trustees may recover fines, &c.

Sec. 17. *Be it further enacted*, That the said trustees shall, before they can recover any fine or

By-laws to be published.

lines for a breach of their bye-laws or ordinances, have a fair copy of their bye-laws set up at three of the most public places in said town at least three weeks.

What persons
eligible as
trustees.

Sec. 18. *Be it further enacted.* That no person shall be elected a trustee of said town unless he shall be an inhabitant thereof, and has resided there six months previous to his election, or an owner of real property therein, and is above the age of twenty-one years.

Trustees to
settle annual-
ly.

Sec. 19. *Be it further enacted,* That it shall be the duty of the trustees, annually, at the August county court of Jessamine, to make a settlement with the county court and pay over any monies that may be on hands, to their successors, and in case of failure, the county court is hereby authorized to summon them to appear at their next or succeeding term to make a settlement and to enter up judgment against them for any sums that may appear against them, and award execution thereon.

First election
how to be
held.

Sec. 20. *Be it further enacted,* That the first election under this act shall be held by two justices of the peace, for the county of Jessamine, and the clerk of the board of trustees, at the time said election takes place.

Repealing
clause.

Sec. 21. *Be it further enacted,* That all laws of a special nature heretofore enacted, applying to Nicholasville, be, and the same are hereby repealed from and after the first general election under this act.

CHAP. DXLVIII.

An ACT to amend and extend the law authorizing a turnpike on the road leading from the counties of Madison and Rockcastle to the Goose Creek salt works.

Approved November 18, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act to amend and extend the law authorizing a turnpike on the road leading from the counties of Madison and Rockcastle, approved January 2, 1818, be and the same is hereby extended to eighteen hundred and thirty :—

Provided however, that no person shall be compelled to work on said road, who may reside more than three miles from the same, unless directed by the county court.

CHAP. DXLIX.

An ACT to authorize the county court of Lawrence to lay an additional levy.

Approved November 22, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Lawrence county shall have the right, at their February or March term in the year 1824, to lay an additional levy, not exceeding one dollar per tythe, for the purpose of enabling said county court to cause the public buildings of said county to be erected: Provided, that a majority of all the justices of the peace of said county, then in office, be present.

County levy authorized for building a courthouse, &c.

Be it further enacted, That the said court may, at their levy term in the year 1824, and in each succeeding year, lay a levy in addition to that now allowed by law to be laid, not exceeding one dollar per tythe, until a sufficient fund shall thereby be raised, to defray the necessary expense of erecting the public buildings in said county; and then such power to lay an additional levy, shall cease and determine,

CHAP. DL.

An ACT to provide for the correction of an error in the conveyance of two lots in the town of Greenupsburg.

Approved November 22, 1823.

WHEREAS it is represented that Lewis Craig, jr. as agent and attorney in fact, some years past, did sell and convey to John R. Chitwood, in the town of Greenupsburg, two lots, which were laid off

Preamble?

with metes and bounds, according to the plan of said town; and in the deed of conveyance, improper numbers were inserted, in the following manner; 27 and 28 were named instead of 32 and 33—the said Chitwood has made valuable improvements on said lots, which were purchased by him, and the mistake was never discovered until since the death of said Chitwood, and indeed not until said lots were sold by the administrators of said Chitwood, which sale was made by virtue of and in compliance with an act of Assembly, passed the 14th day of December, 1821. And whereas, because of the aforesaid mistake, the said administrators are unable to make title to the lots, in compliance with the sale made by them under the provisions of said act of Assembly, the result of which will tend much to the injury of the widow and heirs of said decedent:—For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Lewis Craig to correct said mistake, in said conveyance; which correction shall be recorded in the county court of Greenup county—which correction, when made, shall not operate to the prejudice of any vested right that any person may have acquired of the said property: *Provided however,* this act shall not take away the right of the chancellor, to carry into effect the intention of the original contracting parties.

Be it further enacted; That when the aforesaid error shall be corrected and recorded as aforesaid, the administrators aforesaid shall be, and they are hereby vested with full power to make conveyance to the purchasers of said lots, agreeably to the aforesaid recited act.

CHAP. DLI.

An ACT for the benefit of Absalom Russell.

Approved November 22, 1823.

Preamble. WHEREAS, by an act of Assembly of this commonwealth, approved the 26th day of November in the year 1822, the Register of the Land Office was directed and authorized to issue to Abner Russell,

of Casey county, a warrant for one hundred acres of land; and whereas it is represented to the present General Assembly, that the name of Abner Russell was inserted in the said act, by mistake, for Absalom Russell, the real applicant:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the said Absalom Russell producing the said warrant, together with the plat and certificate of survey made thereon in the name of Abner Russell, to the Register of the Land Office, he is hereby authorized and directed to issue a grant thereon to said Absalom Russell, in the same manner as he would have done, if the said warrant and survey had been in the said Absalom Russell's name: *Provided however,* that nothing herein contained shall be so construed as to effect any other claim to said land.

Error to be corrected in a plat and certificate of survey, and patent to issue.

Proviso.

CHAP. DLII.

An ACT to declare Little Sandy River a navigable stream.

Approved November 24, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, Little Sandy river shall be, and the same is hereby declared a navigable stream, from its junction with the Ohio, as high up as the mouth of the Sinking Fork of Little Sandy; and any person who shall fall timber in said stream, or build any dam in or across the same, or do any other act in relation thereto, which shall in any manner obstruct or hinder the navigation of the same, shall be subject to all the pains and penalties now prescribed by law for offences of the like nature in relation to any other navigable stream within this commonwealth: *Provided however,* that the rights of any person or persons who shall at the time of the passage of this act, have any dam across said stream, or who shall, by virtue of any order of the county court of Greenup, have a right to erect a dam across said stream for the purpose of moving a mill, or other machinery, by water, shall in no wise be effected hereby.

Declared navigable from its mouth up to the mouth of the Sinking Fork.

Penalty for obstructing the navigation

Proviso.

CHAP. DLIII.

An ACT for the benefit of Daniel Curd Surveyor of Barren county.

Approved, November 24, 1823.

WHEREAS, it is represented to the present General Assembly, that Daniel Curd surveyor of Barren county, has failed to enter into bond in the county court of Barren county, as required by law, wherefore he cannot now enter into said bond without Legislative interference.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the said Daniel Curd, shall enter into bond with security, as required by the laws of this state, on that subject, in the county court of Barren county, at the next February or April term of said court, and when so executed, shall be to all intents and purposes, as effectual as though the same had been entered into as required by law.

CHAP. DLIV.

An ACT for the benefit of John Phemister.

Approved, November 24, 1823

Recital

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that John Phemister, assignee of Jacob Pearson of Adair county, obtained a certificate from Cumberland county court, No. 378, alias 387, for one hundred acres of land, and that there yet remains a part of the state price unpaid, and it appearing that the said John Phemister is indigent, old and infirm, and has the care of a large family of young and helpless children: Therefore,

Register to issue patent.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said John Phemister's filing with the Register of the land office the platt and certificate for the aforesaid one hundred acres of land, then the Register of the land office is hereby directed and empowered to issue a patent to the aforesaid John Phemister; for the

aforesaid one hundred acres of land, without the remaining part of the state price being paid.

CHAP. DLV.

An ACT for the benefit of John Eastes.

Approved, November 24, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office, shall, without compensation, issue to John Eastes a warrant or warrants, for two hundred acres of land, which warrant or warrants the said John Eastes is hereby authorized to cause to be surveyed by the proper surveyor or surveyors, on any waste or unappropriated lands north of Green River and the line commonly called the reserve line, in one or more surveys, making no survey of less than one hundred acres.

Register to issue him a warrant.

May have it surveyed.

And be it farther enacted, That it shall be the duty of the Register of the Land-Office, upon the return of the platt and certificate of the survey or surveys aforesaid, and upon the fee or fees required by law, to issue to the said John Eastes a patent or patents thereupon as in other cases: *Provided however,* that no patent obtained by virtue of this act, shall be held valid so far as the surveys upon which it may be founded may interfere with any land, to which any person or persons now has a claim, or title founded upon any law, or upon which any person is now actually settled.

Register to issue grants.

Provided:

CHAP. DLVI.

An ACT for the benefit of Benjamin Workman of Adair county.

Approved, November 24, 1823.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Benjamin Workman of the county of Adair, purchased a platt and certificate of a certain

Recital.

James Pinkerton, late of the aforesaid county, but now (if living) in a distant land, which certificate was granted by the county court of Adair, No. 28. to the aforesaid James Pinkerton, for fifty eight acres of land, on the waters of Big Creek, in the aforesaid county, fifty acres of which is surveyed in the name of the aforesaid James Pinkerton, which plat and certificate was regularly assigned by the said James Pinkerton, to the aforesaid Benjamin Workman, and sent on by the surveyor of Adair county, to the Register of the Land-Office, but it appears from abundant searches in that office, that those papers are lost, and never was deposited in the aforesaid Land-Office, Therefore,

Register to
copy plat and
certificate and
issue grant.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land-Office is directed and empowered to register a copy of the aforesaid plat and certificate as assigned to Benjamin Workman and issue a patent in the name of the aforesaid Benjamin Workman whenever the Auditors quietus is obtained for the full amount of the state price for the aforesaid fifty acres of land.

CHAP. DLVII.

An ACT to declare Kinnakinnick in part navigable.

Approved, November 24, 1823.

Recital.

WHEREAS, it is represented to the present General Assembly, that it would be of great advantage to a portion of the citizens of Lewis county to declare Kinnakinnick a navigable stream, so far up from its mouth as Jeremiah Moores mill, Therefore,

Declared na-
vigable:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the said stream known by the name aforesaid, in the said county of Lewis, shall be, and the same is hereby declared a navigable stream from its junction with the Ohio River so far up as the mill of said Jeremiah Moore, and any person or persons who may be convicted of falling timber into said stream or otherwise obstructing or in any way injuring the navigation thereof, from its

Penalty for
obstructing
navigation.

said junction with the Ohio, to the aforesaid mill, shall be subject to all the pains and penalties now imposed by law for a like offence, in relation to any of the other navigable waters within this Commonwealth; *Provided however*, that the rights of any person or persons, now owning or possessing any mill or other machinery upon said stream, shall not hereby be impaired or lessened.

CHAP. DLVIII.

An ACT for the relief of John Wheeldon.

Approved, November 24, 1823.

WHEREAS, it is represented to the present General Assembly, that John Wheeldon did, many years since, locate and survey, two hundred and seventy five acres of land, in the county of Lincoln, under and by virtue of a certificate granted to him by the county court of said county, honestly and faithfully believing said land to be vacant and unappropriated, and has paid into the Treasury the sum of six dollars and twenty eight cents, being the first instalment on said land. And whereas the said John Wheeldon has been evicted from two hundred acres of the said survey, by an elder and superior claim, and is a poor man, with a large family of children, dependant upon him for support, Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land-Office be, and he is hereby authorized and directed, on application, to issue to the said John Wheeldon a land warrant for one hundred acres of land without payment of the state price therefor, which warrant may be entered and surveyed upon any land within the said county of Lincoln, which is now subject to location by Land-Office Treasury warrants, and on the return of the platt and certificate of survey to the Register's office, a patent shall issue thereon to the said John Wheeldon as in other cases.

CHAP. DLIX.

An ACT to increase the powers of the Trustees of the Town of Hopkinsville in Christian county.

Approved, November. 24, 1823.

Recital

THE citizens of Hopkinsville, Christian county, at a town meeting, having petitioned the Legislature to give to the Trustees special power to enable them to compel the citizens of said town to improve the same, Therefore,

Powers of trustees enlarged.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Hopkinsville in the county of Christian, shall have full power and authority to make any order which may be necessary for keeping their streets clean and to compel the citizens of said town to clean the same, under such fines or penalties as they may think proper to impose, which fine shall be recoverable before or the penalty imposed by any justice of the peace for Christian county; and the said Trustees shall have full power and authority to order and determine that their streets or any portion of them which may be deemed expedient, shall be paved, and to direct any person holding real estate in said town, binding on any of the streets thereof, to pave the same, with good brick or stone, as may be by said Trustees directed, one half the said street so binding on said lots or real estate, and if such person so directed to pave, after notice of said order, and a reasonable time given, shall fail or refuse to pave as by said order shall be directed, said Trustees shall have power and authority to employ some suitable person, on as reasonable terms as can be had, to perform said work, and to assess the value or price thereof, on the owner or owners of said lots, which price said owner shall be bound to pay, and if he, she or they shall fail to pay the amount within two months after notice of said assessment, it shall be recoverable of him, her or them by action of debt or assumpsit or by warrant before any justice of the peace, as may best suit the amount of the sum or nature of the demand, and as is usual in other cases of demand of like magnitude.

May direct pavements to be made.

Sec. 2. Whenever the Trustees of said town shall have caused side walks of the streets attached to the

public square to be paved, it shall be the duty of the county court of Christian county to cause the side walks of the public ground, to be paved in like manner, and when the Trustees of said town shall cause any street adjoining the public square, to be paved, it shall be the duty of the county court to make its equal half of the street pavement, on the street so adjoining the public square, and to levy a sum in their next county levy for the purpose of defraying the expense thus incurred ; *Provided however*, that all persons who make pavements under the provisions of this act, shall have a credit in their town tax for the amount of money so advanced.

Streets adjoining public square to be paved.

Sec. 3 All owners of a house or houses, fit for family residence or to be occupied as stores or shops, shall be compelled to procure one or more fire buckets, for the use of said town, at the discretion of the Trustees, and to keep them at such places and in such repair, as the said Trustees by their order shall direct, and upon their failing or refusing to do so, they may be fined by the Trustees any sum not exceeding five dollars, after they shall have received one months notice of the order of the Trustees, which fine shall be recoverable by warrant before any justice of the peace, brought in the name of the Trustees for the use of the town.

Owners of houses to procure fire buckets.

CHAP. DLX.

An ACT supplementary to "an act for the benefit of the children of Hannah Porter," approved Nov. 10, 1823.

Approved, November 26, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the power and authority vested in William Porter, or his proper attorney in fact, by the first section of said recited act, shall extend to the real estate of said children in the county of Campbell, conveyed to them since the decease of said Thomas Kennedy, in extinguishment of debts, mortgages and bank stock, which has been divided as recited in the act to which this is a supplement, on the fifth day of April 1822, by the executors of said Kennedy; any thing

First section of former act extended.

in the preamble of said act to the contrary notwithstanding.

Bond may be executed in general court.

where to be recorded.

Sec. 2. That the bond which the said William Porter and his security are required to give by the second section of said act, shall and may be given, and recorded in the clerk's office of the General Court, of this state, the security to be approved of by said clerk; which said bond shall be certified by the clerk of the General Court, to the county court of Campbell, where the same shall be recorded, previous to any sale being made under the said act and this supplement.

CHAP. DLXI.

An ACT to prevent the removal of persons of colour who may be bound to service.

Approved, November 26, 1823.

Penalty for selling or purchasing or removing out of the state, a person of colour entitled to, or to become entitled to freedom, without the permission of the county or circuit court where such person last resided.

To be recovered on presentment or indictment.

Fine how to be applied.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That every person who shall hereafter sell or purchase within this commonwealth, or remove from the limits thereof, any person of colour who may be entitled to his or her freedom after the expiration of a time then to come, without first obtaining from the county court or circuit court of the county in which such person may have resided for the last twelve months previous to such sale, a certificate, and permitting such sale or removal, shall be guilty of a misdemeanor, and on conviction of such misdemeanor, shall be subject to a fine not exceeding five hundred dollars, and to be imprisoned not less than six, nor more than twelve months, for every such misdemeanor—may be proceeded against by presentment, or indictment of a grand jury, and one half of such fine shall be for the use of any person who will prosecute for the same, and the other half shall be applied toward lessening the county levy of the county wherein any conviction for the offence aforesaid may be had; and in case there shall be no prosecutor, and none shall be required under this act, then the whole of such fine shall be applied in the manner last aforesaid.

Sec. 2. This act shall be given in charge by the judge to the grand jury at every circuit court.— This act shall take effect and be in force from and after the first day of March next.

Charge to grand juries.
Commencing clause.

CHAP. DLXII.

An ACT concerning the town of Elkton in Todd county.

Approved, November 26, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of January next, the trustees of the town of Elkton, in Todd county, may annually lay a tax on the inhabitants of said town, not exceeding seventy-five dollars, to be applied in widening, extending and keeping in repair the streets and alleys of said town, and shall appoint a commissioner, who shall be allowed two dollars per day whilst engaged in such service; whose duty it shall be (after being duly qualified,) in the month of March, to call on all the inhabitants of said town for a list of their taxable property, both real and personal, which list shall be given in on oath; and said property shall be valued by said commissioner, and entered in a book to be kept by him for that purpose, and which book shall be returned by said commissioner to the trustees, on or before the first day of April in every year, whose duty it shall be to proportion the tax in such a manner, that each person shall pay in proportion to the property he, she or they shall possess within the limits of said town: and the trustees shall also have power to levy a poll tax on all the white tithes in said town, and put the same into the hands of some sheriff or constable for collection, whose duty it shall be to collect and account for the same to the trustees of said town, on or before the first day of June; and such collector shall be allowed to retain six per centum on all monies so collected under the provisions of this act—and in case of failure to do the duties assigned him by this act, the said collector shall be liable to be moved against as in other cases, and be further liable to pay a fine

The trustees may levy a tax, for the improvement of the streets, &c.

To appoint a com'r. to take lists of taxable property.

Trustees may levy a poll tax.

Taxes how collected.

Proceeding against collector for failing to do his duty.

Penalty for failing to give in a list of taxable property or giving in a fraudulent list.

Citizens of said town not to work on roads, but may work out their town tax

of one hundred dollars, which fine may be sued for, and recovered before any court of the commonwealth having jurisdiction of the like sums. Any person failing to give in a list of his or her taxable property, when called on by the commissioner for that purpose, or giving in a fraudulent list, shall be liable to pay a fine of fifteen dollars, to be recovered before any justice of the peace of said county: which fines, as well as fines laid on the collector for failing to act agreeably to the provisions of this act, shall be applied by the trustees to repairing the streets and alleys of said town; and said inhabitants of said town shall be, and they are hereby exempted from working on any public road leading to and from said town, nevertheless the citizens of said town shall have the liberty of working out their tax, at the rate of fifty cents per day.

CHAP. DLXIII.

An ACT for the benefit of John W. Riggs and Joseph Paxton.

Approved, November 28, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John W. Riggs and Joseph Paxton be allowed the sum of thirty dollars, to be paid out of any money in the Treasury not otherwise appropriated; for arresting Burris, a slave, who was charged with man-slaughter, and convicted in the Nicholas circuit court; and for money actually expended by them.

CHAP. DLXIV.

An ACT to alter the mode of appointing trustees in the Madison Seminary.

Approved, November 28, 1823.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Madison county shall, annually, at their

court of claims, a majority of all the justices in the County court to appoint trustees annually. commission of the peace in said county being present, appoint eleven trustees for the Madison Seminary, who shall continue in office until a new appointment by said court shall be made.

Sec. 2. *Be it further enacted*, That the first appointment under this act, shall be made by said court at their December or January term, next. When the first appointment to be made.

Sec. 3. *Be it further enacted*, That all laws contravening the provisions of this act, shall be, and the same are hereby repealed. Repealing clause.

CHAP. DLXV.

An ACT to appoint commissioners to fix upon a permanent seat of justice for Pike county, and for other purposes.

Approved, December 1, 1823.

WHEREAS it is represented to the present General Assembly, that the citizens of the county of Pike are dissatisfied with the place fixed upon for the permanent seat of justice of said county, and have by a respectful petition, signed by a large number of the citizens of said county, prayed for the appointment of other commissioners, to determine upon a place for the permanent seat of justice of said county. It being further represented that the county court of said county have not yet caused the public buildings to be erected : Therefore, Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Johns, James S. Lane, Rhodes Mead, Harry Strutton, and Robert Brown, all of Floyd county, be, and they are hereby appointed commissioners, to ascertain and fix upon the most convenient and suitable place for the permanent seat of justice of Pike county ; who shall meet at the house of Spencer Adkins, on the fourth Monday in December, one thousand eight hundred and twenty-three, or as soon thereafter as may be convenient, for the purpose aforesaid ; and after a majority shall agree upon a place for the permanent seat of justice of said county, they shall report the same to the county court of Pike county. And it shall be the duty of the coun- Com'rs. to fix the seat of justice.

County court to lay off a town, and erect public buildings. ty court of Pike county, as soon thereafter as practicable, to cause the necessary public buildings to be erected at the place so fixed upon by a majority of the commissioners appointed by this act, and to lay off, and do that which may be necessary, or which may by law be required in the establishment of towns.

Com'rs. to be sworn. Sec. 2 *Be it further enacted*, That the commissioners appointed by this act, or such of them as may meet for the purposes aforesaid, shall, before they proceed to discharge the duties hereby required of them, take an oath before some justice of the peace of Pike county, to act fairly and impartially in discharge of the duties required of them by this act; and shall notice in their report before whom they were sworn; and they shall be allowed two dollars per day each, for every day they may be engaged in discharging the duties required of them by this act, to be levied for their benefit at the first laying of the county levy of Pike, after they shall have performed the duties herein required of them.

Their pay.

Courts to be held at Spencer Adkins. Sec. 3. The county and circuit courts of Pike shall continue to be held at the house of Spencer Adkins, until the public buildings shall have been erected at the scite which shall have been fixed upon by the commissioners appointed by this act; and thereafter such courts shall be held at the seat of justice as in other cases.

County court may receive donations. Sec. 4. The county court of Pike county may receive any donations of land, or other property, in aid of erecting the public buildings of said county, and shall, from time to time, as said court shall judge necessary, appoint some person as their agent or trustee, to receive the same. And the conveyance of all lands given for the above purpose, shall be made to such trustee, in trust, for the benefit of the county of Pike; and the court shall require of such trustee, bond with approved security, for the faithful performance of all trusts that may be reposed in him, in relation to the donations of property aforesaid. And the county court shall, from time to time, direct by order of court what disposition shall be made by such trustee of the said property: a copy of which order shall be served on such trustee, and a failure on his part to comply with such orders, shall be considered a breach of his bond, for which suit may be brought—such bond shall be made payable to the commonwealth of Kentucky,

Agent to receive the same, &c.

Trustee may be sued on his bond.

and may be sued upon in that name, for the use of the Pike county court, or of any person who may be injured by the acts of said trustee, from time to time, until the whole penalty shall have been recovered.

Sec. 5. So much of any act, or parts of acts, as contravenes the provisions of this act, shall be, and the same is hereby repealed. Repealing clause.

CHAP. DLXVI.

An ACT to authorize the sale of a part of the public square in the town of Cadiz.

Approved, December 1, 1823.

WHEREAS it is represented to the present General Assembly, that it would be of much public utility to authorize a sale of a part of the public square in the town of Cadiz, Trigg county, which is very large, and to vest the proceeds of said sale in the county court, to be applied towards the erection of a jail, and for other purposes, in said county:—
Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Cadiz, are hereby authorized to sell all that part of the public square in said town, bounded as follows: Beginning at the south-eastern corner of the public square, at the intersection of Washington and Madison streets, thence with Washington or Main street, north thirty-eight degrees east, seventy-two feet to a stake, thence through the public square, north fifty-two degrees west, two hundred and eight feet to a stake in the edge of Jefferson street, thence with Jefferson street south thirty-eight degrees, west seventy-two feet to the corner of the public square at the intersection of the said Jefferson and Madison streets, thence with the Madison street south fifty-two degrees, east two hundred and eight feet to the beginning; under the order and direction of the county court, at such time, and on such credits, as they may direct, taking bond and security, payable to the county court; the amount thereof to be applied to the Preamble.
Trustees to sell a part of the public square,
under the order of the county court of Trigg. Proceeds to be applied to the erectio

of public buildings.

erection or completion of a jail in said county, and for other public purposes.

Trustees to carry said order into effect, & make deeds.

Sec. 2. It shall be the duty of the trustees of the town of Cadiz, or any three of them, to carry into effect said order of the county court, by exposing to sale said ground at public auction, and take bond, as directed by this act; and the said trustees are hereby empowered to convey said ground to the purchaser or purchasers, as fully as by law they are authorized to convey lots in said town.

CHAP. DLXVII.

An ACT further to regulate the debt due the Commonwealth for the sale of vacant lands.]

Approved, December 1, 1823.

Former act revived.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act entitled, an act further to regulate the payment of the debt due the Commonwealth for the sale of vacant lands, approved the 11th day of January 1816, shall be, and the same is hereby revived and continued in force, for and during the term of one year, from and after the 15th day of January next.

Lands stricken off to state for failure to pay tax may be redeemed.

Sec. 2. *Be it further enacted*, That all certificate lands that have heretofore been stricken off to the Commonwealth for the failure of payment, the last owner or proper claimant, shall have the right of redemption as though it had not been stricken off to the state, and without paying interest or damages.

Act to indulge settlers revived.

Sec. 3. *Be it further enacted*, That the act of Assembly entitled, an act further to indulge the settlers on the lands acquired by the treaty of Tellico, approved the 13th day of January 1817, and continued by several amendatory acts until this time be, and the same is hereby revived and continued in force until the 16th day of January in the year 1825.

Further time to return plats & certificates

Sec. 4. *Be it further enacted*, That the further time of one year from and after the 16th day of January 1824, be allowed for returning to the Register's office, plats and certificates of surveys, made on the lands acquired by the treaty of Tellico, under the several acts of this Commonwealth.

CHAP. DLXVIII.

An ACT for the benefit of Henry Derham and John Ferguson.

Approved, December 1, 1823.

WHEREAS, it is represented to the present General Assembly, that Henry Derham lives on a tract of poor land, lying on Walnut Creek, in Allen county, granted to John Branham by commissioners certificate, in the year 1798, for two hundred acres No. 1411, that the said Derham is a very poor old man, of honest character, with a large family of dependent children.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the Surveyor of Allen county is hereby authorized to survey the aforesaid tract of land, and return a plat and certificate thereof in the name of the said Derham to the Registers office; Whereupon the Register is hereby authorized to issue a patent thereon accordingly, without fee.

State price
remitted and
granted to issue.

Sec. 2. *Be it further enacted,* That the state price be remitted on two hundred acres of land, in Butler county, on the Brushy Fork, a branch of Big Muddy Creek, to John Ferguson, assignee of Daniel Hay, on a certificate, No. 2518, and the Register is hereby directed to issue a patent on the same.

State price
remitted to
Ferguson and
grant to issue.

CHAP. DLXIX.

An ACT to authorize the Editors of the Green River Correspondent and the Commonwealth to insert advertisements therein.

Approved, December 1, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful to insert and publish in the Green River Correspondent printed in Bowling-Green Kentucky, and the Commonwealth printed in Versailles Kentucky, any and all advertisements which are required and authorized to be published in any newspaper in the state of Kentucky, except such advertisements as are re-

quired by law to be published in the paper of the public printer only, and the Editors of said papers shall be governed by the same rules and entitled to the same fees as other printers in this Commonwealth.

CHAP. DLXX.

An ACT extending the jurisdiction of the Trustees of the town of Paris.

Approved, December 1, 1823.

Preamble.

WHEREAS it is represented to the Legislature that William S. Bryan, Samuel Pyke, Thomas Mitchell, Alexander S. Morrow, William Shields, Lewellen Porter and Hiram M. Bledsoe who were Trustees of the town of Paris, in the year 1822, were compelled to purchase during that year, from a certain Joseph Mitchell, four acres of land, outside of the limits of said town, for the purpose of a public burying ground, and that a conveyance was made by him to them as Trustees of said town; and whereas it appears that the jurisdiction of the Trustees of Paris extends no further than the limits of the town boundary; and whereas it also appears that the Hon. Benjamin Mills is the proprietor of a tract of land adjoining the town boundaries and extending thence to said four acres, and that the only way from town to said burying ground, lies through his land; and whereas, it is represented by said former Trustees of Paris, that they wish permission, by act of Assembly, to convey said four acres of land to the present Trustees and their successors in office for the purpose of a public burying ground, and that their object may be carried into complete effect, they also wish the jurisdiction of the Trustees of said town, extended so far as to include said burying ground, and that they may have the same authority over the same, that they now by law have within the limits of the town; and whereas, also the said former Trustees wish that the Trustees of said town may be permitted to receive a conveyance from said Mills, for a passway through his land to said burying ground, on such terms and conditions as may be agreed upon, and that their authority may also be

extended over said passway.—To provide therefore for those objects,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the title to the said four acres of land, so conveyed by Joseph Mitchell to said former Trustees of Paris be, and the same is hereby vested in the present Trustees of Paris, and their successors forever, to be used as a public burying ground, the former Trustees having assented thereto.

Jurisdiction extended to lot purchased by the former trustees.

Sec. 2. *Be it further enacted*, That the Trustees of Paris and their successors in office have, and they are hereby vested with the same authority over the said burying ground which by law they now possess within the limits of said town.

Jurisdiction extended to said lot.

Sec. 3. *Be it further enacted*, That the Trustees of Paris be, and they are hereby allowed to receive from Benjamin Mills, a conveyance to them and their successors, to a passway across his land to said burying ground, upon such terms and conditions as may be agreed upon, and in case they obtain such conveyance, they are hereby vested with the same authority over the same, which they now by law can exercise within the limits of the town of Paris.

May receive deed for passway.

And whereas it is represented to this General Assembly, that Robert Trimble Esq. in whom the title of the lot in the town of Paris, known by the name of the old grave yard, hath heretofore conveyed to the Trustees of the town of Paris, that moiety of said lot which had been used as a grave yard, together with an alley or passway of twelve feet in width, leading from Pleasant street along the north-western side of the Academy lot, back to that moiety of said old grave yard lot, conveyed as aforesaid to the Trustees of said town, by said Robert Trimble, upon an agreement and understanding, that the said Trustees should, whenever empowered by law to do so, convey to said Robert Trimble in exchange, that part of the cross street which lies eastwardly of Pleasant street, and between the said old grave yard lot and the lot formerly occupied by said Robert Trimble, but now by William S. Bryan.

Recital.

Sec. 4. *Be it therefore further enacted*, That the Trustees of the town of Paris, and their successors shall be vested with the title of the ground as aforesaid, conveyed by the said Robert Trimble to the former Trustees of said town, and that the Trustees

Trustees vested with title and may exchange a part.

of said town be, and they are hereby empowered to convey to said Robert Trimble, in exchange therefor, all that part of the cross street which lies between Pleasant street and eastwardly thereof and running back eastwardly between the old graveyard and the lots formerly occupied by Robert Trimble, but now by William S. Bryan, to the out lot formerly occupied by Robert Trimble, but now by William S. Bryan.

This act shall commence and be in force from and after its passage.

CHAP. DLXXI.

An ACT allowing further time for surveying head-right lands and Registering the same.

Approved, December 1, 1823.

Two years allowed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years from and after the seventeenth day of December next, be allowed to survey and return plats and certificates of surveys, founded on certificates granted by the commissioners and the county courts, under the laws for settling and improving the vacant lands of this Commonwealth, and the Register shall receive such plats and certificates and issue grants thereon, as in other cases, after payment of the state price being made on such claims.

Register to issue grants.

CHAP. DLXXII.

An ACT to provide for limitations in certain actions.

Approved December 1, 1823.

Limitations in actions against securities of sheriffs &c.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter no action or suit shall be had or maintained against the securities of any Sheriff or other officers of this Commonwealth, or against their representatives, for the recovery of any money that may have been

collected by said sheriffs or other officers, except the same shall be sued or prosecuted for, within seven years, from and after he shall have collected the same.

Sec. 2. The limitation prescribed in this act shall not extend to infants, femes covert or persons of unsound mind, nor to persons out of the United States, in the employment of the United States or this state, but such persons shall be at liberty to institute such suit or actions as is limited by this act, at any time, within three years after their respective disabilities are removed, or after the expiration of their employment beyond the limits of the United States ; *Provided however*, that as to any cause or causes of action, which may now exist, the limitation aforesaid shall be competent from the passage of this act.

Savings to infants &c.

Sec. 3. *Be it further enacted*, That so much of the 46th section of an act relative to limitations of actions upon any penal act of Assembly, passed 17th December 1796, shall be, and the same is hereby repealed, so far as relates to improper charges made in the fee bills of the clerks, sheriffs, coroners, elisors, surveyors, justices of the peace and constables in this Commonwealth; and it is hereby provided, that if any person shall be injured by an improper charge of any of the aforesaid officers, he or she or they shall have the right to bring his, her or their suit or action at any time within five years from and after the time such fee-bill shall have been taken in by the party so improperly charged.

Limitations of actions &c.

So much of any law or laws now in force in this Commonwealth, as exempts persons out of this Commonwealth from the operations of the several statutes limiting the time of bringing personal actions shall be, and the same is hereby repealed, and that such persons shall, in all cases be subject to the same limitations as residents and citizens of this state are ; *Provided*, that where the cause of action has already accrued, the limitation shall commence from and after the passage of this act.

Non-residents subject to the same limitation as residents.

Proviso.

CHAP. DLXXIII.

An ACT providing for a change of venue in the case of William Wells.

• Approved, December 1, 1823.

Preamble.

WHEREAS, it is represented to the present General Assembly, that William Wells stands indicted in the Hart circuit court, upon a charge of forgery and owing to the prosecutor having connected himself with some influential persons in said county, considerable odium has been excited against him, so much so, that a fair trial cannot be had in said county, Therefore,

May make his election to be tried in Barren circuit court.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That at the next sitting of the Hart circuit court, whether a regular or special term, that said William Wells, upon appearing in court to answer said indictment, may, and he is hereby authorized and allowed to make his election whether he will be tried upon said indictment in the Barren circuit court or not, and if he should not elect to be tried in the said Barren circuit court, the said Hart circuit court shall proceed to try said William Wells upon said indictment, in the same manner as if this act had not passed.

If he elects to be tried in Barren, papers to be certified and sent to clerk.

Sec. 2. If the said William Wells shall, when the question is put to him by the judge of the Hart circuit court, elect to be tried in the Barren circuit court, the court shall have his election entered upon record, and the clerk of Hart circuit court shall make out a certified copy of all the orders taken in said cause, to be sent with the indictment and the other papers belonging to the prosecution, to the clerk of the Barren circuit court, in the manner hereinafter directed. Upon the said William Wells making his election to be tried in the Barren circuit court, the judge of the Hart circuit court shall direct and order the sheriff of Hart county, forthwith to convey the said William Wells to the jail of Barren county, and deliver him to the jailor of said county of Barren, who is hereby authorized and directed to receive into his jail and custody, the body of the said William Wells, and to give said sheriff his receipt therefor, and shall also keep the said

Sheriff of Hart shall convey him to jailor of Barren.

William Wells in said jail until he shall be discharged by due course of law ; said sheriff shall, and he is hereby authorized to summon such guards as he may think fit, to assist him in conveying said prisoner to the jail of Barren county, and the sheriff and guard shall be allowed the same as is now allowed by law for similar services ; and the said court shall recognize all the witnesses for the Commonwealth in said prosecution, to appear on the first day of the next term of the Barren circuit court, or in case of a called court, at such time as the said court may designate, which recognizances shall be as obligatory on the witnesses as other recognizances are when taken by virtue of any law now in force upon that subject ; copies of which recognizances shall be transmitted with the other papers belonging to the prosecutions, to the clerk of the Barren circuit court, and be as binding and subject to the like proceedings as other legal recognizances now are.

Witnesses to appear and give evidence.

Sec. 3. As soon as practicable after the order of the election made as aforesaid, the clerk of the Hart circuit court shall make out certified copies of all the orders made in his court, in said prosecution, and shall deliver them, together with the indictment and other papers filed therein, to the sheriff of his county, and take his receipt therefor ; and thereupon the said sheriff shall, with all practicable dispatch, take said papers and indictment and deliver the same to the clerk of the Barren circuit court, and take his receipt therefor ; and the sheriff shall be allowed six cents per mile in going to and returning from Barren county, to be paid out of the public Treasury ; and the said clerk of the Barren circuit court shall be, and he is hereby authorized to issue a venire facias, subpoenas and all other necessary process as though the said indictment had commenced in his own court ; and the said Barren circuit court shall have the same jurisdiction and possess the same power to try said William Wells upon said indictment, pronounce judgment, and cause the same to be executed as they would have had if said offence had been committed in Barren county, and the prosecution been commenced and indictment originated in the Barren circuit court ; and the prosecution shall proceed in the same manner and the same challenge of jurors may be had and in every respect subject to the same course as though the offence had

Indictment and other proceedings to be sent to clerk of Barren.

Allowance to sheriff.

Venire facias and other process to issue.

Circuit court of Barren to have jurisdiction.

Penalty on
sheriff & clerk

been committed in the said county of Barren ; *Provided however*, that the said William Wells shall not be discharged either at the first, second or third terms of the Barren circuit court, after said change of venue, if through any casualty a trial shall not be sooner had.

Allowance to
witnesses.

Sec. 4. If either the sheriff or clerk of the Hart circuit court, shall fail to comply with all, or any part of the duties enjoined on them by this act, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice and rule of court to that effect, with proper time in the Hart circuit court, in favour of the Commonwealth, which fine or fines, sum or sums, shall be applied as other fines are now directed by law of a similar nature.

Sec. 5. The witnesses attending the Barren circuit court by recognizance or subpoena, shall be allowed the same per day and for travelling as other witnesses going out of the county, by legal process.

CHAP. DLXXIV.

An ACT to change an election precinct in Pike county, and for other purposes.

Approved, December 1, 1823.

Place of holding
election
changed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the election precinct in the county of Pike, held at the house of Reuben Retherfords, shall hereafter be held at the house of Thomas Bivin, on Big Creek; and be governed by the same rules and regulations as prescribed by law.

Precinct in
Trigg county.

Sec. 2. *And be it further enacted*, That all that part of Trigg county embraced by the following bounds, shall constitute one election precinct, viz : Beginning at Lindsey's mill on Little River, thence down the same to Ogle's mill; thence a straight line to William Reed's, thence a straight line to Dry Creek, on the Cumberland river, thence up said river to the Tennessee state line, thence with said line to the Christian county line, and thence with the Christian and Trigg county line to the beginning; and that the election in the said precinct

be held at the house of Cornelius Burnett, and be governed by the same rules and regulations as other election precincts in said county.

Sec. 3. *And be it further enacted,* That all that part of Perry county above John Holebrooks, on the north fork of the Kentucky river, be one election precinct; and the election shall be held at the house of Benjamin Adams, in said county, and be governed by the same rules and regulations as the other precincts in said county. Precinct in Perry county.

Sec. 4. *Be it further enacted,* That all that part of Floyd county included in the following bounds, to-wit: Beginning at the Floyd and Lawrence county line, on Sandy river, running up said river on both sides, including the waters thereof, to the mouth of Paint creek, and up the same, including the waters of said creek, be, and the same is hereby erected into an election precinct in said county; and the qualified voters in said precinct shall meet at the house of William Rainey, in said precinct, for the purpose of voting, at all legal elections. Precinct in Floyd county.

Sec. 5. That the Floyd county court, shall, at the time they appoint a clerk and judges for the balance of said county, appoint a clerk and judges to preside at the election to be held in said precinct—it shall be the duty of the sheriff of said county to attend said precinct, by himself or deputy. The said sheriff, clerk and judges, shall be in all cases governed by the same rules and regulations as are prescribed in other elections: *Provided however,* that nothing in this act shall prohibit the voters in said precinct from voting at any other precinct in said county. County court to appoint judges &c.

Sec. 6. That the sheriff who shall preside at the election in said precinct, shall meet the sheriff who presides at the court house, on the day prescribed by law for comparing polls in said county. Polls when compared.

Sec. 7. *And be it further enacted,* That the several sheriffs of this commonwealth are hereby authorized and required to appoint as many deputy sheriffs as shall be necessary to attend the several precinct elections in their counties, who shall be incapable of performing any other duties except attending elections, and comparing polls. Sheriffs may appoint deputies.

Sec. 8. *And be it further enacted,* That from and after the passage of this act, all that part of the county of Greenup contained within the following Precinct in Greenup city.

boundary, to-wit: Beginning at the mouth of Big Sandy, thence down the Ohio river to the mouth of White Oak, thence up White Oak creek to the head thereof, thence a straight line to the mouth of William's creek, thence up the same to the Lawrence county line, thence with the county line of Lawrence to Big Sandy river, and down the same to the beginning, shall be one election precinct, to be called and known by the name of the East Fork Precinct; and the elections in said precinct shall be held at the house of John Miller, sen. on the state road; and the county court of Greenup shall appoint judges and clerk of election, for said precinct, as in other cases: and the sheriff of Greenup county shall, in like manner, by himself or deputy, attend elections at said precinct, and compare the polls, as in other cases.

Judges and clerk to be appointed.

Precinct in Lawrence c'y.

Sec. 9. *Be it further enacted*, That from and after the passage of this act, all that part of Lawrence county contained in the following described tract of country, to-wit: All that part, which is watered by Rock-castle creek, and its tributary streams, shall be one election precinct, to be called and known by the name of the *Rock-castle Precinct*; and the place for holding elections in said precinct shall be at the house of ——— Johnson, at the forks of said creek. And the county court of Lawrence and the sheriff of said county, shall be governed by the same rules and regulations in relation to said election precinct, and to elections to be held therein, as are intended to govern the county court of Greenup, and the sheriff of said county in relation to the East Fork precinct, in the preceding section of this act mentioned.

Persons residing in precincts may vote at court-house.

Sec. 10. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent any person resident within either the said East Fork, or Rock-castle precincts, from voting at any other place of holding elections, in which they would have been entitled to vote if the respective precincts aforesaid had not been hereby established; nor to prevent any person resident without said precincts, from voting at the respective precincts aforesaid, if they shall be entitled by law, to vote at any other place of holding elections in the county in which such precinct is established, and at which they may offer to vote.

Sec. 11. And whereas it is represented to the present General Assembly of the commonwealth of Kentucky, that the house of William H. Pepper, in the village of May's Lick, in the county of Mason, which is mentioned in an act of the General Assembly, approved November 9th, 1820, as the place for holding elections in the said village of May's Lick, has become a private house, and inconvenient for the accommodation of judges, voters, &c. at elections: Therefore,

Place of holding elections in the precinct in Mason cy. changed.

Be it enacted, That from and after the passage of this act, the judges of elections at said precinct, shall have power, on or before the first day of any election to be held in said precinct, to determine at which public house in the said village of May's Lick, the election shall be held: and should the judges differ in opinion as to the house, the sheriff, or deputy attending such election, shall, by agreeing with one or the other of the judges, determine the same; and the place thus chosen and designated, shall not be altered or changed during that election.

Sec. 12. Hereafter the elections for the Sandy Lick precinct, in the county of Greenup, shall be holden at the house of William Ward, or at the house of Jacob Kibbe, to be determined upon by the judges of the elections at said precinct, on or before the first day of any election to be held therein: and should the judges differ in opinion as to the house, the sheriff, or deputy attending such election, shall, by agreeing with one or the other of the judges, determine the same; and the place thus chosen and designated, shall not be altered or changed during that election.

Elections in the Sandy Lick precinct in Greenup cy.

CHAP. DLXXV.

An ACT for the benefit of Harman Greathouse:

Approved, December 1, 1823.

WHEREAS it is represented to the present General Assembly, that Harman Greathouse, of Nelson county, was appointed guardian for John Collins, an illegitimate child of Eleanor Nevil, an alien, now dead; that said John Collins had no estate, except

Preamble.

a lot of ground in the town of Shepherdsville; that he was schooled and maintained by his guardian for several years, and then bound out to a trade: after which he entered in the army of the United States, when he died, leaving no heirs. That said Greathouse, believing he had right and authority, several years ago, sold the said lot of ground for about thirty bushels of salt, to reimburse himself in part for the expenses he had been at, on account of his ward. That said lot of ground has been conveyed through several hands since, and valuable improvements have been placed upon it; and said Greathouse prays this Legislature to grant to him, the commonwealth's right of escheat in the same:—
Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title, interest, and claim of the commonwealth, to the lot aforesaid, as escheated, be, and the same is hereby granted and released to the said Harman Greathouse, his heirs and assigns, forever.

Right of escheat to a lot in Shepherdsville relinquished.

CHAP. DLXXVI.

An ACT for the benefit of Mary Karr and her children.

Approved, December 1, 1823.

WHEREAS, it has been represented to this General Assembly, that James Karr, a soldier of the Revolution, and late a worthy citizen of Logan county, died in the occupancy of two hundred acres of second-rate land, in said county, the first installment only having been paid thereon; that he left his widow, Mary Karr, and a large family of children, (one of whom has been a cripple from its birth,) poor, and unable to pay the balance of the state price due on said land: Therefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office, be, and he is hereby authorized and directed to issue to the heirs of James Karr, a patent for two hundred acres of land in Logan county, upon the production of the plat and certificate of survey, in the name of James Karr, and the Treas-

Register authorized to issue a patent for land.

surer's receipt for the first installment, in the same manner as if the whole state price had been paid therefor: *Provided however*, that Mary Karr, widow of said James Karr, be entitled to her dower in said land.

Proviso.

CHAP. DLXXVII.

An ACT for the benefit of Braddock Baker.

Approved, December 1, 1823.

WHEREAS it appears to the present General Assembly, that in eighteen hundred and eighteen, Braddock Baker purchased a Land Office warrant, number one thousand eight hundred and twenty-four, for fifty acres of land, which he caused to be surveyed on what he deemed vacant land, and returned the same to the Register's office, and paid the fees of said office, and took the Register's receipt therefor; that it has since been ascertained that the land so located, is covered by a prior claim, and said Baker has, in consequence thereof, declined to have said land patented—It also appeared that said Baker has a large family, and is very poor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Baker shall be permitted to withdraw said survey, and to have said warrant again surveyed on any vacant and unappropriated land within the state of Kentucky and north of the Tennessee river and Walker's line; that when so surveyed, a certificate thereof be returned to the Register's office, and a patent issue thereon as in other cases, without the further payment of Register's fees thereon.

Authorized
to withdraw
his survey &
re-locate his
warrant on va-
cant land,

CHAP. DLXXVIII.

An ACT to establish election precincts in Washington and Calloway counties.

Approved, December 1, 1823.

Bounds of
the election
precinct in
Washington.

Elections.

County court
to appoint
judges, &c.Voters may
vote at the
court house.Allowance
to judges, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Washington county included in the following bounds to-wit: Beginning on the top of Muldrow's hill, where the main road leading from Lexington to Nashville crosses the Green county line, running with the Green county line to where the Campbells-ville road crosses the same, thence with said road to Melton's mill on Pope's creek, from thence to the Rev'd. Richard Elliott's old place near the line between Washington and Mercer county, from thence to Cartright's old station, on Cartright's creek; from thence to Hardin's creek Chapel, thence to Francis Ray's mill on Stewart's creek, thence to Alexander Handley's on the Rolling Fork, thence to the beginning, including all the aforesaid points, shall be, and the same is hereby formed into an election precinct in the said county of Washington, which shall be called and known by the name of the Lebanon Precinct; and the qualified voters in said precinct shall meet at the house of Aquilla Hosrins, in the town of Lebanon, within said precinct, for the purpose of voting at all elections.

Sec. 2. *Be it further enacted,* That the county court of the county of Washington, shall, when appointing judges and clerks to conduct elections within their said county, appoint judges and clerks to superintend the election held at the precinct established by this act; and it shall be the duty of the sheriff of said county, either by himself or deputy, to attend the said precinct, and be governed by the several laws now in force relative to elections.

Sec. 3. *Be it further enacted,* That nothing in this act shall be so construed to prevent the persons residing in the bounds of said precinct from voting at the court house of said county or any of the precincts.

Sec. 4. *Be it further enacted,* That the county court of said county shall allow to the judges, clerk and sheriff attending the elections at said precinct,

a reasonable compensation for attending such elections, not exceeding one dollar per day.

Sec. 5. *Be it further enacted*, That all that part of the county of Calloway which lies east of the Obion road, leading from Penticost's ferry on Tennessee river, to the state line, shall be, and the same is hereby formed into an election precinct, which shall be called and known by the name of the Blood-river Precinct; and the place of holding elections in the same shall be at the dwelling house of Charles Brandon, on Blood-river: and all that part of said county of Calloway lying west of the road leading from Morse's ferry, on Tennessee river, to the Iron Banks, shall be, and the same is hereby formed into an election precinct, which shall be known by the name of Clark's River Precinct; and the place of holding elections in the same, shall be at the house of Thomas Hill.

Precinct in
Calloway cty.

Sec. 6. And hereafter it shall be the duty of the county court of Calloway, when they sit for the purpose of appointing clerks and judges for the election in the said county, to appoint clerks and judges for the precincts hereby established: and in case of vacancy in either of the officers of the election, the vacancy shall be filled as by law directed in similar cases; and it shall be the duty of the sheriff of Calloway, by himself or deputy, to attend said precincts, and preside over the same, as in other cases where election precincts are established by law: and the sheriffs who preside at the election in said precincts, shall meet the sheriff who presides at the court house, on the Thursday succeeding the election, at the court house in the town of Waidborough and compare the polls;—but nothing in this act shall be so construed as to prevent any citizen who is entitled to a vote, residing in the bounds of said county, from voting at the court house, or either of the precincts; *provided*, he will, if required, take an oath that he has not voted at any other place during that election.

County court
to appoint
judges, &c.

Polls when
compared.

CHAP. DLXXIX.

An ACT to establish the county seat of Morgan county.

Approved, December 1, 1823.

Preamble.

WHEREAS, it is represented to this Legislature that the Commissioners appointed to affix the seat of justice in Morgan county, have done the same on the lands of Edmund Wells on Licking River; and the said Edmund Wells consenting, in consideration that a town shall be established on said lands, he will give up and make over to the county court of said county, two acres of land for the public square upon which the public buildings may be erected, and also one sixth part of the proceeds of the sales of lots or lands to be sold as hereinafter directed; and as part of the town hereafter by this act to be established, the said proceeds to be applied by the county court to the erection of necessary public buildings, with the exception and reservation of saving to himself exclusively in the bounds of the town to be established as aforesaid, the apple orchard, and the lot which in the laying off of said town the barn of the said Wells may be situated upon, and the county court of Morgan having failed to establish a town as the act establishing said county requires.

County seat established.

Boundaries of town.

Trustees appointed.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That* thirty nine acres of the lands of the said Edmund Wells on the Licking River and above the mills of said Wells be, and the same is hereby established a town by the name of West-Liberty, which thirty nine acres are bounded as follows; beginning at a beech on the north bank of Licking River, thence running south three degrees east, eighty poles to a stake, thence south eight degrees west, thirty three poles to the mouth of a small drain or branch, thence north eighty seven east, fifty eight poles to Frenches line, thence north three degrees west, forty four poles to the corner of the public square, same course continued eighteen poles, to the second corner of the public square, same course forty four poles to a stake in Frenches line, thence south eighty seven west, fifty eight poles to the beginning, and that John Perry, John Hammonds, Samuel M'Clintock,

Isaac Eldridge, William Lewis, John Nichols and William Montgomery be trustees of the same, to be governed in all respects by the general law now regulating towns, subject to such provisions, and those only, which this act may create.

Sec. 2. *Be it further enacted*, That according to the preamble of this act, two acres of land in said town for a public square, is vested in the county court of Morgan county and their successors in office forever, and which is bounded as follows: Beginning on the patent line of French, forty four poles from the south east corner of the boundary of said town, thence north three degrees west, eighteen poles to a stake in Frenches line, thence south, eighty seven west, eighteen poles to a stake, thence south three degrees east, eighteen poles to a stake, thence north eighty seven east, eighteen poles to the beginning.

Boundaries of public square.

Sec. 3. *Be it further enacted*, That said trustees upon a sale of the lots of said town, shall upon the receipt of the money arising thereupon, pay the same to the proprietor, upon his giving bond with good and sufficient security to the county court of Morgan county and their successors in office, conditioned to pay over to the said court, or such person as by their order they shall appoint, one sixth part of all the monies he shall receive as the proprietor of the town aforesaid, and which bond may upon a failure to comply with the conditions thereof, be put in suit in the name of the county court aforesaid, and which when instituted, shall not abate by death of any of the members thereof; and the one sixth part as aforesaid, either paid or as aforesaid recovered, shall be appropriated by the county court, to the erection of public buildings, saving and reserving at all times within the bounds of said town, the land on which said proprietors apple orchard is situate, and also the lot in the laying off of said town, on which his barn now stands, which land on which the orchard and barn are situate, shall continue and remain with the said proprietor as though this act had not passed.

Trustees to pay over to proprietor the money arising from sale of lots upon his giving bond to pay portion to city court.

Proceedings on said bond for breach of condition.

Reservation to proprietor of town.

This act shall be in force from and after the first day of January next.

CHAP. DLXXX.

An ACT for the better regulation of the Southern College of Kentucky, and for other purposes.

Approved, December 1, 1823.

Preamble. WHEREAS, it is represented to the General Assembly, that inconvenience is experienced by the Southern College of Kentucky and the Harrodsburg Seminary, on account of the difficulty of convening a board for the transaction of business, Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any vacancy that may take place in the board of Trustees of either of those institutions, shall not hereafter be filled until the number of Trustees shall be reduced to nine, which shall hereafter be the number of Trustees respectively. The board when thus reduced, shall possess all the powers and be governed by the same rules in their proceedings as they now are, any law to the contrary notwithstanding.

Sec. 2. The board of Trustees of the Fleming Academy shall and may be increased to the number of eleven by said board.

CHAP. DLXXXI.

An ACT authorizing the inhabitants of Morgan county to vote at their present seat of justice.

Approved, December 1, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the qualified voters of Morgan county shall be permitted to vote hereafter at the present seat of justice, at all legal elections, and the county court of Morgan county shall appoint a clerk and judges to attend all legal elections that may be had at their present seat of justice any law to the contrary notwithstanding.

CHAP. DLXXXII.

An ACT for the benefit of William Scott.

Approved, December 5, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of public accounts issue a warrant on the Treasurer in favor of William Scott jailor of Bourbon county for the sum of two hundred and twenty four dollars for money expended by him, in procuring the apprehension of Andrew Cummings, who was charged and convicted of murder in the Bourbon circuit court.

CHAP. DLXXXIII.

An ACT to amend the act entitled, "an act for the benefit of the wife and children of Benjamin Herndon."

Approved, December 5, 1823

WHEREAS, the Commissioners appointed under an act approved November 22d, one thousand eight hundred and twenty-one, for the benefit of the wife and children of Benjamin Herndon, have sold the land therein authorized to be sold, and vested the proceeds in lands as therein directed, but that owing to a misconception of the act, a bond was given with a covenant of general warranty to Peydon the purchaser of the Commissioners, For remedy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the first section of the aforesaid act, as limits the power of the Commissioners appointed under said act, to conveying the land therein directed to be sold, by deed with special warranty, be repealed, and that said Commissioners be, and they are hereby authorized and empowered to convey the land sold under said act, to the purchaser thereof, with covenant of general warranty.

CHAP. DLXXXIV.

An ACT for incorporating the Hartford Bridge Company.

Approved, December 5, 1823.

Preamble.

WHEREAS, it has been represented to the present General Assembly, that the erecting a Bridge across Rough Creek, from the end of market street in Hartford, will be of great public utility, and there is reason to believe that such Bridge will be undertaken by an association of citizens, if proper encouragement is given by the Legislature.

Com's. to
open books.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Benjamin Smith, Charles M'Creery, Richard Elliott, Isaac Morton, John C. Rogers, James Baird, Robert Render and Justenian T. Harris, Gentlemen, or any three of whom, be appointed commissioners to open a book of subscription, in the town of Hartford, on the first Monday in February next, or so soon thereafter as is convenient, which shall begin in the following manner, to-wit: We whose names are hereto subscribed, do promise to pay to the President and Directors of the Hartford Bridge Company, the sum of fifty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportion and at such times as shall be prescribed by the act for incorporating the said President, Directors and Company, witness our hands. Which shall be plainly subscribed by every person becoming a member of the company, with the date of such subscription prefixed.

Form of sub-
scription.Stockholders
to meet and
elect presi-
dent, &c.

Sec. 2. *Be it further enacted,* That as soon as one hundred and fifty shares shall be subscribed for, the commissioners aforesaid or any three of them, shall give notice in the most public manner, for the share holders to assemble, at the court house in Hartford, to elect eight of their members, to act as President and Directors of the said Company, which notice shall express the time and place of holding the election, and shall not be in less than fifteen nor more than thirty days from the time the whole number of shares shall be subscribed for, and shall be conducted by the before mentioned commissioners, or any two of them, or in case they do not attend, by

any five of the subscribers ; the votes shall be given in by ballot by the respective share holders, in person or by proxy, in the latter case the proxy shall deliver in his power at the time he shall give in his ballot ; each share holder shall be entitled to a vote for every share he may possess, but shall give in all his votes at one time ; *Provided however*, that no share-holder shall be entitled to more than five votes ; the eight highest on the polls shall be declared duly elected, and in case two or more of them have an equal number of votes, it shall be decided by lot immediately, by the persons conducting the election, which of the said candidates having such equal number of votes shall serve as directors.

How the election is to be conducted.

Sec. 3. *Be it further enacted*, That the persons elected shall meet within ten days after such election, and shall choose one of their members to act as President, they shall also appoint a Secretary and Treasurer, who shall continue in office twelve months, to commence from the day of election and until successors shall be elected or appointed to succeed them—all elections after the first, shall be conducted by the Secretary whose duty it shall be to give at least thirty days previous notice, in the most public place in Hartford, of the time and place of holding such election, or on failure thereof, shall forfeit and pay ten dollars, to the use of said company, and recoverable as other debts due said company may be recovered, and the Secretary shall conduct the election in the same manner as herein before directed, and in case no election shall be held on the day annually fixed on for that purpose, it shall and may be lawful for the President and Directors (a quorum being present) to appoint another day for holding said election, and the Directors so chosen shall continue in office until the next annual election, and until successors shall be chosen agreeably to the mode prescribed by this act ; and it is further declared that the day on which the first election is held, shall be the day fixed for the annual elections, unless such day shall happen on Sunday, and then the election shall be held on the day succeeding.

President to be chosen by directors.

Secretary and treasurer to be appointed:

Elections how to be conducted after the first.

Sec. 4. *And be it further enacted*, That so soon as the election of the company shall take place, that the subscribers shall become a body politic and corporate in deed and in law, and shall be stiled and known by the name of the President and Directors

Stockholders to be a body politic.

of the Hartford Bridge Company, and by the same name shall have perpetual succession and enjoy all the privileges incident to a corporation, and shall be capable of taking and holding as tenants in common, their capital stock and the increase and profit thereof, and also such lands and tenements as shall or may be necessary for carrying their plan into complete operation, and by the name and style of the President and Directors of the Hartford Bridge Company, may sue or be sued or do and perform every other matter or thing which a corporation or body politic may lawfully do.

Commissioners to deliver book of subscription.

Sec. 5. *Be it further enacted*, That the commissioners shall deliver up the book of subscription to the President and Directors of the company, within five days after their election, and thereafter all business shall be conducted by them, and the President and Directors shall devise or cause to be devised, such plans and make such rules and bye-laws as may be judged necessary and proper, not inconsistent with the constitution and laws of this state for conducting and carrying into effect, the completion of the said Bridge : and the said President and Directors shall, from time to time, direct the mode of making assignments or transferences of shares ; they shall make or cause to be made all contracts or bargains for carrying the said work into effect.

President and directors to make bye laws

Number of directors to constitute board. Bye-laws to be recorded.

Sec. 6. *Be it further enacted*, That the President and three Directors shall constitute a quorum to do business, and on failure of the Presidents attendance, any four of the Directors shall constitute a board, who shall chose a President pro-tempore ; they shall cause all their acts and bye-laws to be fairly entered in a book, to be provided for that purpose, and be signed by the President for the time being.

Subscriptions how paid.

Sec. 7. *And be it further enacted*, That the sum of five dollars shall be paid on each share at the time of subscribing, to the commissioners, who shall pay the same over to the President and Directors as soon as they are elected, the balance of the shares shall be paid in such manner as the President and Directors may point out, provided that they shall not call in more than five dollars on each share at any one time, and shall give thirty days notice in the most public place in Hartford of such call ; and in case any person or persons shall fail to make such payments for three months after notice, the shares

so in arrear shall pay interest from the time they become due, and it shall and may be lawful for the President and Directors to expose such share or shares to sale at public auction for cash, giving one month's previous notice in the most public place, of the time and place of such sale, and the President shall convey the share or shares so sold to the purchaser, who shall hold the same in like manner, shall be entitled to the same advantages, subject to the same conditions and forfeitures as original subscribers; *Provided always*, that if the share or shares so to be sold as aforesaid, shall not produce a sum sufficient to discharge all arrears with the interest thereon, due for such shares, that the said company shall have a right to prosecute a suit or suits for the recovery of the balance of said arrears which may still remain due and unpaid; and in case the sale of such share or shares shall produce a sum more than sufficient for the discharge of such arrears as aforesaid, then the residue thereof shall by direction of said board of Directors be paid to such original share-holders.

Sec. 8. *And be it further enacted*, That the Treasurer shall, before he enters upon the execution of any part of his functions as such, enter into bond with security to be approved by said President and Directors, payable to the President and Directors of the Hartford Bridge Company, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of the duties required of him by this act; he shall keep in a book to be provided for that purpose, accurate and fair accounts of all monies by him received or disbursed by virtue of his said office and shall lay the same before the President and Directors, once in every three months for their inspection and approbation, and if approved of, shall be certified by them: the Treasurer shall pay no money but by warrant from the President or two Directors, countersigned by the Secretary, who shall keep an account thereof, and produce it at each settlement of the Treasurers account, a true statement of the receipts and expenditures at the end of every three months shall be published until the work be completed.

Sec. 9. *And be it further enacted*, That the said President and Directors may sue out one or more writ or writs of *ad quod damnum* from the county court of Ohio, in the manner prescribed by law, in

Treasurer to
give bond.

To keep the
accounts
which are to
be inspected
by the board.

To pay no
money but by
order of board

President and
directors to
sue out writs
of *ad quod
damnum* to
condemn land

case of application for leave to erect water grist mills, directed to the sheriff of said county, commanding him to empannell a jury of twelve disinterested men of the county, commanding them to estimate the value of so much land adjacent to the termination of said Bridge as may be deemed necessary by the said Directors for fixing the abutments thereof; which estimation being reported to the said court by the said inquest, shall be recorded therein, and shall vest in the said company the fee simple estate, in and to such lands upon the payment or tender of the said estimated value to the original proprietor or proprietors thereof or their agents.

May provide
for collecting
toll.

Sec. 10. *And be it further enacted*, That within ten days after the completion of the aforesaid Bridge for the transportation of passengers and carriages, the President and Directors for the time being shall meet for the purpose of adopting such rules and regulations for the collecting and accounting for the tolls and preserving the said Bridge and all other things necessary for the regulating and conducting the business of the company in future, as they may deem expedient and necessary.

Note of toll.

Sec. 11. *And be it further enacted*, That the said company shall be entitled to demand and receive the following tolls for passing the said Bridge, viz : For every man or woman six and a quarter cents ; for every child over five years old, six and a quarter cents ; for every horse, mare or mule, six and a quarter cents ; for every waggon and team, fifty cents ; for every cart and team, twenty-five cents ; for every riding carriage with four wheels and horses attached thereto, fifty cents ; for every riding carriage with two wheels and horses, twenty-five cents ; for every head of cattle two cents ; for every head of sheep, goats or hogs, one cent ; for every hogshead of Tobacco, rolled or carried across, not being in a waggon or cart, twenty-five cents ; which tolls shall be divided among the share-holders in proportion to their shares, after deducting the expenses of collecting and other charges.

Dividends of
toll how made

Share holders
may compen-
sate president
&c. other
compensa-
tion made by
president and
directors.

Sec. 12. *And be it further enacted*, That a majority of the share-holders, shall have power after the work is completed to make any reasonable compensation to the President and Directors from time to time as they may think proper, and all other compensations shall be made by the President and Directors.

Sec. 13. *And be it further enacted, That all persons coming to and returning from the county or circuit courts on the first days thereof, or coming to or returning from musters, or coming to or returning from an election of Representatives to the Legislature, shall pass free of toll.*

Persons exempt from paying toll.

Sec. 14. *And be it further enacted, That whenever the county court of Ohio shall pay to the said company the money which they may have expended in building said Bridge, they shall surrender all rights and privileges derived from this act, and said Bridge shall become free; Provided, that nothing contained in this act shall in any manner affect the possession and use of the land, or the use, benefit and possession of any ferry of which the possessors thereof may be in the enjoyment, on either side of the said creek, until the said Bridge shall be finished and completed; Provided farther, that nothing herein contained shall at all interfere with the rights of ferriage on either side of the said creek.*

County court may pay for bridge when it shall be free

Rights of ferriage reserved

CHAP. DLXXXV.

An ACT to legalize the proceedings of the Circuit and County Courts of Morgan county.

Approved, December 5, 1823.

WHEREAS it is represented to the present General Assembly, that the county and circuit courts of Morgan have held their respective terms, since the organization of said county, at the house of Edmund Wells, and that the seat of justice for the said county of Morgan has been fixed and located at the house of the said Edmund Wells; and doubts have arisen as to the legality of the holding of said courts at the place aforesaid, because of the provisions of the act erecting the said county of Morgan, in relation to the holding of said courts:—
Therefore, *

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, in regard to the place of holding said county and circuit courts of Morgan, the same shall be as valid and legal as though said courts had been held at any other place pointed out by law; and the said circuit and county*

Proceedings of said courts legalized.

courts for the county of Morgan, shall, from and after the passage of this act, be holden at the house of the said Edmund Wells, until the county court of said county shall have caused a court house to be erected, and then to be held at said court house.

Sec. 2. All laws contravening the provisions of this act shall be, and the same are hereby, repealed.

CHAP. DLXXXVI.

An ACT for the benefit of Angus M'Phail.

Approved, December 5, 1823.

WHEREAS it is represented to the present General Assembly, that the Simpson county court, at the November term in the present year, one thousand eight hundred and twenty-three, by an order of said court, directed the collector of the county levy to pay Angus M'Phail the sum of thirty dollars and ninety-five cents, for running a line, in November, one thousand eight hundred and eighteen, from Russellville to Scottville, forty-four miles; and some doubts are entertained as to the legality of the proceedings of said court, in making said order, in consequence of which, the collector will not pay over said sum of thirty dollars and ninety-five cents to said M'Phail: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the collector of the county levy for Simpson county, to pay to Angus M'Phail the sum of thirty dollars and ninety-five cents, the amount of his account as allowed by the county court of Simpson; and the proceedings of said court in relation to the allowance aforesaid, is hereby legalized.

Collector to
pay him a sum
of money.

CHAP. DLXXXVII.

An ACT for the benefit of William and Manly Cannon,

Approved, December 5, 1823.

WHEREAS it is represented to the present General Assembly, that Kinson Cannon in his life time obtained a certificate from the county court of Livingston, for four hundred acres of land, number eight hundred and fifty-three, and in November one thousand eight hundred and seven, paid one installment, and a few years thereafter, him and his wife both departed this life, leaving William and Manly Cannon, their only issue, without any estate or property whatever except said land: Therefore,

Recital

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the balance of the state price be remitted, and the register of the land office, on application, issue a patent for four hundred acres of land aforesaid, to the aforesaid William and Manly Cannon.

Balance of the state price remitted on certain lands, and a grant authorized.

CHAP. DLXXXVIII.

An ACT allowing additional constables to the counties of Washington and Casey.

Approved, December 5, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Washington and Casey, shall each appoint for their respective counties, an additional constable. The constable appointed for the county of Washington shall reside in the north end of said county, in the neighborhood of John Wash. The constable appointed for the county of Casey shall reside on the waters of Goose-creek, in said county, in the neighborhood of Hardin Thomas.

One additional constable to each county.

CHAP. DLXXXIX.

An ACT to declare the Wolf-lick Fork of Muddy River navigable.

Approved, December 5, 1823.

Declared na-
vignable. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Wolf-lick Fork of Muddy river, from its mouth to the bridge on the road leading from Russellville to Greenville, be considered as a navigable stream.*

Com'rs. to
open it, &c. Sec. 2. *Be it further enacted, That Abraham Lyon, Isaac Browning, and Gasham Hunt, be, and they are hereby appointed commissioners, to open and keep in repair the navigation of said stream from its mouth to said bridge; and they are hereby authorized to raise by subscription the sum of five hundred dollars, either in money, property, or labour for the purposes aforesaid: and the said commissioners, or a majority of them, are hereby authorized to cause all obstructions to the navigation of said stream, to be removed; to cut down all timber projecting over said stream, and remove all logs or fish-dams therein: Provided however, nothing herein contained shall be so construed as to affect any mill, or mills, which may be erected on said stream before the passage of this act. And the said commissioners, or a majority of them, as soon as they shall raise a sufficient sum for the purpose aforesaid, shall proceed to the clearing out said stream, according to the provisions of this act:—*

Their power and duty. *Provided however, that the said commissioners before they proceed to clear out said stream, shall in the county court of Logan enter into bond with security to be approved of by said court, in the sum of one thousand dollars, conditioned to appropriate the money, property and labour to removing the obstructions in said stream, in pursuance to the provisions of this act. And the commissioners shall receive compensation for their services, in proportion to the time they or either of them shall serve, out of the subscriptions to be raised by this act, not exceeding one dollar per day.*

To give bond and security. *Provided however, that the said commissioners before they proceed to clear out said stream, shall in the county court of Logan enter into bond with security to be approved of by said court, in the sum of one thousand dollars, conditioned to appropriate the money, property and labour to removing the obstructions in said stream, in pursuance to the provisions of this act. And the commissioners shall receive compensation for their services, in proportion to the time they or either of them shall serve, out of the subscriptions to be raised by this act, not exceeding one dollar per day.*

Their pay.

CHAP. DXC.

An ACT to amend an act entitled, "An act for the benefit of Polly Simpson and her children."

Approved, December 5, 1823.

WHEREAS the above recited act, approved November twentieth, one thousand eight hundred and twenty-one, has been found defective in misrepresenting the transfer of the two hundred acres of land, therein set forth; it appearing, from an examination of the plat and certificate of the original survey, that Andrew Quigley, in whose name said survey was made, has assigned said survey to Thomas Simpson:—Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said Polly Simpson producing to the Register the plat and certificate of survey above mentioned, together with the assignment to the said Thomas Simpson, the Register is hereby directed to issue a patent to the said Polly Simpson and her children, pursuant to the provisions of the original act.

CHAP. DXCI.

An ACT for the benefit of Denise Fischli.

Approved, December 11, 1823.

WHEREAS it appears to the present General Assembly, that by a decree of the Jefferson circuit court, the marriage between John Fischli and his wife Denise Fischli, has been annulled and set aside; and the female hath petitioned the Legislature to permit her to use the name of Denise Lecog Dumarslay, her maiden name: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said female, in all her dealings and transactions in life, be permitted to assume and use the name of Denise Lecog Dumarslay, instead of that of Denise Fischli; any usage or law to the contrary notwithstanding.

CHAP. DXCII.

An ACT for the benefit of the late Sheriff of Adair county.

Approved, December 11, 1823.

Recital.

WHEREAS one of the deputies of the late sheriff of Adair county removed out of the state before said deputy completed the collection of the revenue for the year one thousand eight hundred and twenty-one, and in consequence of the principal sheriff being unable until lately, to obtain the tax book used by said deputy, which was the only means by which the principal sheriff could possibly ascertain who had, and who had not, paid their revenue:—Therefore,

Six months
allowed him
to complete
his collections
&c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Herbert G. Waggener, late sheriff of Adair county, have the further time of six months from the passage of this act, to complete the collection, and pay into the public treasury the balance of the revenue due from said sheriff for the year one thousand eight hundred and twenty-one.

CHAP. DXCIII.

An ACT for the benefit of Patsey Sproule.

Approved, December 11, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between John Sproule and Patsey his wife, late Patsey Hickman, of the town of Frankfort, be, and the same is hereby dissolved; and the said Patsey is hereby released and divorced from all further matrimonial connexion with said Sproule, and restored to all the privileges of a *feme sole*.

CHAP. DXCIV.

An ACT for the benefit of David and Robert Griffiths.

Approved, December 11, 1823.

WHEREAS it is represented to the present General Assembly, that David Griffith and Robert Griffith purchased from Margaret Cooper and Mary Dunbar, two widows resident in Floyd county, two land warrants for one hundred acres each, which were obtained by virtue of an act for the benefit of poor widows, approved December twenty-first, one thousand eight hundred and twenty; and that the said widows respectively are anxious to confirm the sale of said land warrants, which they have severally assigned to the said Griffiths, and for which they have received a full and valuable consideration: and that the said Griffiths have caused surveys to be made by virtue of said warrants in their own names, but the Register of the Land Office, it is believed, will not issue patents thereon, because by the act aforesaid, the said land warrants are not assignable:—For remedy whereof,

Recited

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the assignment of the said land warrants so made by the said Margaret Cooper and Mary Dunbar to the said David and Robert Griffith, shall be good and valid, and transfer the right to the said land warrants to the said David and Robert Griffith; and the Register of the Land Office shall, upon the plat and certificate of survey or surveys made in the name or names of the said David and Robert Griffith by virtue of said land warrants and of the assignments thereon, being returned to his office, issue a patent or patents thereon as in other cases, any law to the contrary notwithstanding.

Register authorized to issue grants to them.

CHAP. DXCV.

An ACT to amend the act for the establishment of a state road from Lexington to Ghent, on the Ohio river.

Approved, December 11, 1823.

Part of the third section of the recited act repealed.
 Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the third section of the before recited act as subjects a person who shall fail or refuse to do his duty in clearing out said road, to a fine of one dollar and twenty-five cents, be, and the same is hereby repealed.

Persons liable to be called on to assist in opening the road.
 Sec. 2. All male labouring persons residing in either of said counties, of the age of sixteen years and under fifty, except such as are masters of two or more labouring slaves of the age of sixteen years or more, shall be liable to assist in opening said road: and every person, when required by the overseers of the companies laid off by the county courts, who shall without legal cause or disability fail to attend with proper tools for clearing the said road, or shall refuse to work when there, or to find some other person equally able to work in his room, the sum of one dollar and twenty-five cents for every days offence, shall be paid by himself, if a free-man of full age; if an infant, then by his parent, guardian or master; or if a slave, or servant, then by his overseer, if he be under one, or otherwise by his master; to be recovered by the overseer of the company, before any justice of the peace within his county; to be applied to the hiring of hands for the purpose of assisting in opening the road.

Penalty for non-attendance or refusal to work.

How recovered, &c.

Duty of the overseers.
 Sec. 3. The overseers of the precincts of said road shall give the overseers of companies at least ten days notice, in writing, of the time and place of meeting of said company to commence work; and the overseers of companies shall give their respective hands at least three days like notice, otherwise they shall not be fined for failing to attend.

May be fined for not doing their duty.
 Sec. 4. The said surveyors of the precincts, and overseers of companies, shall be subject to presentment by a grand jury for failing to do their duty, and be fined, in the same manner as surveyors of roads under the general law.

CHAP. DXCVI.

An ACT for the benefit of Andrew Hemphill of Jessamine county.

Approved, December 11, 1823.

WHEREAS it appears to this General Assembly, that James Hemphill, late of the county of Jessamine, an Irishman by birth, resided in the United States of America at the adoption of the federal constitution, became a citizen of Kentucky at an early period of its settlement, and was actively engaged in its defence during our Indian warfare; and so conducted himself as to acquire a real estate lying in the present county of Jessamine; upon which he was permanently settled about thirty-five years; and died seized, and possessed thereof without children: having previously induced his nephew, Andrew Hemphill, to migrate from Ireland to America, for the purpose of inheriting his estate: and to whom, by his last will and testament, duly admitted to record in the county court of Jessamine, he devised the same. The said Andrew Hemphill having, on the fourteenth day of May, one thousand eight hundred and twenty-one, in open court, and upon oath, solemnly declared his intention to become a citizen of the United States of North America.—Notwithstanding which it is still questioned whether the estate of the said James Hemphill may not be subjected to escheat:—Wherefore, to remove all doubt on this subject, and effectuate the will of the said James Hemphill,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the last will and testament of the said James Hemphill be, and the same be hereby confirmed and declared valid; and all the right of escheat in the real estate thereby devised, is released and transferred to the said Andrew Hemphill, his heirs and assigns forever.

Right of escheat in and to certain lands vested in him.

CHAP. DXCVII.

An ACT to legalize the proceedings of the Simpson county court.

Approved, December 11, 1828.

WHEREAS, it has been represented to this General Assembly, that in consequence of the sickness and death of Samuel D. Dunscomb a commissioner appointed to assess the tax for a part of the county of Simpson, only a partial assessment has been made, and that the county court of Simpson at the November term last, appointed Samuel C. Henderson a commissioner to complete the assessment, so left unfinished by the said Dunscomb, Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the order of the county court of Simpson county, at their November term last, appointing Samuel C. Henderson as commissioner to complete the assessment of the tax for the year one thousand eight hundred and twenty three, which the commissioner Samuel D. Dunscomb had failed to make, be legal and valid,

CHAP. DXCVIII.

An ACT to authorize Leaven Luckett to complete the erection of a mill on Hinkston, and for other purposes.

Approved December 11, 1823.

Preamble.

WHEREAS, it is represented to the present General Assembly, that Leavin Luckett being the proprietor of a tract of land lying on both sides of Hinkston's fork of Licking and including the bed thereof, obtained from the county court of Bath county during the spring of the year, one thousand eight hundred and twenty-one, leave to build thereon a water grist mill, about one mile below the mouth of Grassy lick creek, that said Luckett hath erected thereon a saw mill, and progressed in part towards the erection of said grist mill, but was disabled by inevitable casualty from completing the same within the time allowed by the existing laws authorizing the

erection of water grist mills, and inasmuch as the time allowed for the erection of said grist mill will have expired before the same shall be completed, and doubts exist in relation to the power of said court under existing laws, to extend the time for the completion of the same : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of ^{Two years longer allowed for the erection of the mill.} two years from and after the passage of this act be, and the same is hereby allowed said Luckett, his heirs or assigns, to go on and complete said grist mill, and the erection of said grist mill is hereby declared legal and valid, saving and reserving however, to all persons whatever a right to sue for and recover damages to the extent of any injury they shall or may have sustained, by reason of the erection of said dam and mills. ^{Provide.}

CHAP. DXCIX.

An ACT for the benefit of Joseph Ketcham.

Approved, December 11, 1823.

WHEREAS, Alexander M'Mun, late of Shelby county, departed this life having a small tract of land in said county, on which he resided at the time of his death, and it appearing to this General Assembly by the noncupative Will of said M'Mun as established by the county court of Shelby county, that it was his will and intention to make Joseph Ketcham the sole devisee of all his estate both real and personal, and whereas doubts are entertained as to the title of said Ketcham to the real estate of said M'Mun under said Will, and if the same may not have escheated to this Commonwealth, For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the right, title and interest in and to the tract of land in Shelby county, on which the late Alexander M'Mun resided at the time of his death, so far as the right and title to the said land did or might have escheated, lapsed or fallen to this Commonwealth at the death of said Alexander M'Mun for want of lawful heirs

or in default of said Alexander M'Muns making a last Will and Testament in writing be, and the same is hereby conveyed, confirmed to and invested in the said Joseph Ketcham as fully and amply as said land could be held and claimed by this Commonwealth; *Saving however*, to all person or persons any right; title or interest which they may have in or to said land or any part thereof.

CHAP. DC.

An ACT for the benefit of John A. Stevenson and wife.

Approved, December 11, 1823.

Preamble.

WHEREAS, it is made appear to the present Legislature, that John Dunlap, James Dunlap, George Keitley, William Orr and Michael Hilligas on the 8th day of October 1783, entered into articles of copartnership for the entering of one hundred and thirty-five thousand acres of land in the then state of Virginia, upon warrants purchased by them, that James Dunlap, Keitley and Orr were by the agreement to come to the western country and make the entries, that they proceeded down the Ohio and made the entries for 131,000 acres of the land in the now counties of Hardin, Breckenridge, Grayson and Hart, that Keitley's family resided in Ireland, that he started in the year 1784 for the purpose of bringing his family to settle on the land, but was killed by the Indians at Bullitts Lick, that the same was afterwards surveyed and carried into grant in the name of John Dunlap and Michael Hilligas, two of the partners who were naturalized, the others being aliens. One patent bearing date the fourth day of February 1788 for 98,000 acres, another of the same date for 28,000 acres and a third for 5,000 of the same date, that Keitley by the agreement was entitled to thirty thousand acres of the land when secured, that at the time of his death he had one only daughter about six years old named Jane who afterwards married John A. Stevenson, and came to America, and about the year 1806 or 7 settled upon the land, and that they have regularly paid the tax thereon to the government and claim to hold it in

right of the father of Jane, but as some doubts are entertained whether, as Jane was an alien at the death of her father, she can inherit his interest either legal or equitable to the land, and whether it has not escheated to the Commonwealth, and this Legislature ever mindful of the services of the first emigrants to this country, who assisted in redeeming it from the Savages, and willing to protect the interest of the infants of those who have spilt their blood and lost their lives in its defence, will be always found ready to relinquish any right they may have acquired, either legal or equitable, to any lands that may be thus situated : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all and any Rights of state relinquished. claim the Commonwealth have in and to the lands granted by patents to John Dunlap and Michael Hilligas for 98,000 acres of land, dated 4th of February 1788, for 28,000 acres and for 5,000 acres, lying in Hardin, Breckenridge, Grayson and Hart Counties shall be, and the same is hereby relinquished to John A. Stevenson and Jane his wife, and that they may hold, use, enjoy, sue for, alien and convey the same in the same manner and under the same rules and regulations as if the said Jane had been at the death of her father a natural born citizen ; *Provided however*, That nothing in this act contained shall be construed so as to effect the rights of others, except so far as to put the said Jane upon a footing with natural born citizens.

CHAP. DCI.

An ACT to amend the several laws now in force concerning the town of Maysville, county of Mason.

Approved, December 15, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the free white male inhabitants of the town of Maysville, aged twenty-one years and upwards, to elect annually on the first Monday of March, seven Trustees; the election to be conducted by one or more of the then acting Trustees, to be ap- Citizens to elect trustees.

Trustees to
be sworn.

Provided,

pointed by the board for that purpose, and ten days previous notice of the time and place of such election thereof, shall be given by the chairman of said board, in three of the most public places of said town, and the return of the persons so elected, shall be made to the clerk of said board, and by him recorded in their journal. The said Trustees so elected, before they proceed to business, shall be sworn by a justice of the peace of said county, to discharge the duties of their office as Trustees, without favor, affection or partiality; *Provided however*, that if it should so happen that the whole number of Trustees should not be elected at the time above specified, or there should be a tie, it shall be the duty of the chairman of the board, to give at least three days notice of the time and place to elect the deficiency, before those who shall be duly elected shall be qualified, and the previous board shall continue in office until a new board can be formed under the provisions of this act.

Who shall be
eligible to the
office of trustee.

Vacancies
how filled.

Clerk to be
appointed.
To take oath.

Sec. 2. A person shall not be eligible to the office of Trustee of said town, unless he is a free-holder and shall have resided in said town at least six months, next preceding the election. After the board shall have been organized, vacancies shall be supplied by an election to be holden at some time and place named by the board, ten days notice of such time and place being previously given by the chairman at three public places in said town.

Sec. 3. The board shall appoint a clerk, who shall hold his office until a new board shall be duly organized and a clerk appointed and duly qualified, unless removed by a majority of said board, for a reasonable cause, or his office vacated by death or resignation, in which event a new clerk shall be appointed. Any clerk before he enters on the duties of his office, shall take an oath to be administered by a justice of the peace of said county, that he will to the best of his skill and ability, make true entries of the proceedings of said board, and that he will safely keep the books and papers given him in charge; he shall also acknowledge himself bound to said board, for any neglect or malfeasance in office, in the penalty of five hundred dollars, and an entry of such recognizance shall be entered on the books of the Trustees, signed by such clerk and witnessed by one of the board.

Sec. 4. The said Trustees shall have power to levy and collect a tax on all property taxable by the Trustees may revenue laws of this state, within the said town, not low tax, exceeding twenty-five cents for every hundred dollars value of property, and they shall have a lien on all such property, until the tax thereon be paid, and they shall apply the monies arising therefrom to such purposes as they may deem most beneficial to the interest of said town.

Sec. 5. The said Trustees shall, on or before the first day of May annually, appoint a commissioner or to be appointed to procure a list of the property of each individual in said town taxable as above mentioned, which commissioner shall, on or before the first day of June, proceed without delay to procure a list of all such property as is liable to taxation as aforesaid, from the best information he can procure, and the said commissioner shall fix the value of such property listed for taxation, and note the amount of such valuation in such list, which list shall be returned by such commissioner to the board of Trustees on or before the fifteenth day of June; and the said Trustees shall proceed to apportion the tax immediately agreeably to the valuation aforesaid; *Provided*, any person should conceive himself or herself aggrieved by such valuation, he or she may apply to the board of Trustees at their next meeting after such valuation, who shall hear any testimony pertinent to the case, and if under the testimony they see cause, they may reduce the said estimate of such valuation; and *Provided also*, that the said commissioner shall be first duly sworn by a justice of the peace, that he will to the best of his skill and ability, faithfully and impartially discharge the duties of commissioner hereby enjoined. *Provided*,

Sec. 6. And the said Trustees shall appoint a collector, whose duty it shall be to collect and account for such tax within six months after a list of the same shall be placed in his hands for collection by the said board of Trustees, and if any person shall fail to pay said tax, the said collector shall have power to distrain so much, first of personal property as will be sufficient to satisfy said tax, and the said collector shall advertise the said property for sale twenty days before sale, which sale shall vest in the purchaser, all the title possessed by him who owed the tax for which said property was sold, but

Collector to be appointed.

May sell property.

Right of redemption.

Saving to infants &c.

Collector to give bond.

Proceedings against collector &c.

Overseer to be appointed.

His duty.

if there be no personal property, then the said collector shall proceed to levy on and advertise for sale any lot or part of lot, the legal title whereof is in him who may owe said tax in said town, for the space of thirty days in three public places in said town, and if said tax is not paid, he may proceed to sell so much of said lot or part of lot as will pay said tax, and he is hereby authorized to make a deed of conveyance for said lot or part of lot so sold, after the expiration of twelve months after such sale, although his office of collector may have expired, unless the owner or owners, his or their agent or attorney shall pay the amount of the tax, for which the said lot or parts of lot was sold, to the purchaser together with thirty per cent on the amount, within twelve months from the time of sale: *Provided however*, that infants, feme covert and persons of unsound mind shall have a right to redeem any lot or part of lot within three years after their several disabilities shall be removed. And the said collector shall deliver the money by him collected to the Treasurer of the board of Trustees, and take his receipt therefor, deducting such sum for his compensation as said board shall have agreed to allow him: *Provided however*, that before said collector shall proceed to business, he shall give bond with good security, payable to the Trustees and their successors in office in the penalty of two thousand dollars, for the faithful discharge of the duties of his office, and should he fail to collect, pay over and account for said taxes, put into his hands for collection, or otherwise neglect the duties of his office, and thereby be guilty of a breach of his bond, the said Trustees are authorized to apply by motion to the circuit court of Mason county (having given said collector or his security ten days notice of such motion) and said court is hereby authorized to give judgment and award execution against said collector or his security, or both, for such sum as he shall have failed to pay over or shall have failed to collect or to account for, and the clerk shall endorse that no security shall be taken.

Sec. 7. It shall be the duty of the board of Trustees from time to time, to appoint a surveyor or overseer living in said town, whose duty it shall be when directed, to call on the male titheables of said town and direct them to meet at a certain day and place with proper tools for the purpose of working

on the alleys and also on the streets in said town; the said surveyor shall also be at liberty under the direction of the board, to call upon the said titheables, and all those living within one half mile of the boundaries of said town, (giving them in the above case and also in this case, three days notice) to work on the public roads leading from the landing places on the Ohio river, through said town to the distance of one half mile without the limits thereof; but all such persons shall not be compelled to work at any greater distance out of said town than that above named. And all such persons failing to attend or refusing to work under said surveyor or to find some person equally able to work, in his or her room, shall be liable to pay one dollar for each and every days neglect or refusal, to be sued for, recovered and applied as hereinafter directed. And the surveyor accepting his appointment and failing to comply with the duties hereby required, shall be liable to pay a fine of five dollars to the board of Trustees to be sued for, recovered and applied as described in the thirteenth section of this act, and to be displaced.

Penalty for failing to work on streets.

Penalty on overseer.

Sec. 8. *Be it further enacted,* That the said Trustees shall have power, and they are hereby authorized to levy a tax, not exceeding two dollars per quarter on any waggon which may be generally used for hauling of any description within said town, and a tax not exceeding one dollar on any cart or dray which may be generally used for hauling in said town, and it shall be the duty of any person wishing to have a waggon, cart or dray generally employed in hauling in town, to apply to the board of Trustees on the last Saturday of March, June, September and December in each and every year, for a license for the quarter next succeeding the days last aforesaid and at other times if necessary, and the tax above named shall be paid by the owner of such waggon, cart or dray, at the expiration of each quarter, and if he should fail to pay the same it may be recovered by suit in the name of the Trustees, before any court having jurisdiction, to be appropriated as hereinafter directed. Any person failing to comply with this provision in obtaining a license, who upon a fair construction is embraced within it, shall pay a fine not exceeding five dollars for each quarter he so refuses, to be recovered and appropriated as named in the thirteenth section of this act.

Trustees may levy tax on waggons &c.

Owners of waggons &c. to obtain license.

Penalty for a failure.

Auctioneers to obtain license. Sec. 9. That no person shall exercise the business of an auctioneer for the sale of goods, wares or merchandize in said town, unless he previously obtain from the board of trustees, a license therefor; and the said auctioneer shall, on the first Monday of April next, and at the expiration of each six months thereafter, deliver a true statement, on oath, of the amount of sales at auction, to the chairman of the board of trustees; and the said auctioneer shall at the same time pay to the said chairman two dollars for every hundred dollars of the money arising from such sale. It shall be the duty of the person applying for the license to enter into bond with good security to the trustees, conditioned that he will render the statements and pay over the money named in this section; and if any auctioneer should fail to comply with the conditions of the said bond, the chairman of the board of trustees is authorized to cause suit to be instituted in a court of competent jurisdiction thereon, and recover judgment and execution, on which the endorsement shall be made by the proper officer that no security shall be taken, to be appropriated as hereafter named. And the said trustees are authorized to grant the said licenses to such person or persons as they deem proper, for the term of one year only, at which time the said bond and license may be renewed if said trustees think proper: Nothing in this act shall require a license in the case of sales of decedent's estate, sales under process of court, or sale of any thing, the produce of this state. The board of trustees shall appropriate the money received by virtue of this section of this act, to the building of an Academy in said town, and for no other purpose.—

Sales to be taxed. And the provisions of this section of this act, shall extend to the town of Washington, in said county; so that the trustees of said town may collect a tax on sales at auction in said town, under the provisions of this section of this act, to be appropriated in a way most beneficial to the said town.

To give bond. This act, in relation to a tax on sales at auction, extended to the town of Washington.

Proceeding on the bond for a breach of the condition.

License to auctioneers, &c.

Proviso:

Tax on sales how to be applied.

Recital. Sec. 10. Whereas it is represented that the books, records and papers of the trustees of said town, previous to the year one thousand eight hundred and four have been lost, burnt, or destroyed, and that the trustees at various times previous to that, made and executed deeds of conveyance for lots in said town to different persons; wherefore,

Be it enacted, That all deeds of conveyance made or purporting to have been made, anterior to the year one thousand eight hundred and four, by the trustees of said town or a majority thereof, which have been duly recorded in the county court clerk's office according to law, shall, without other proof, be sufficient evidence to shew that the title passed from said trustees to the grantee named in such deed or deeds; and any person or persons, either in law or equity, shall be at liberty to use any such deed or deeds as evidence of their claim, under the trustees of said town.

Certain deeds
legalized and
confirmed.

Sec. 11. That the said trustees are hereby authorized to keep under their direction, a public ferry across the Ohio river, from said town to the opposite shore, upon application to the county court for that purpose, and upon their entering into bond with good security in the county court clerk's office, in the same condition and penalty as is now required by law; and the chairman of said board, and his successors in office, is hereby authorized to sign, seal and deliver said bond, and renew the same, in behalf of the board of trustees, as required by law: which bond shall be as valid against said trustees, as if signed and sealed by them individually, and for a violation thereof suit may be instituted against said board of trustees in any court of competent jurisdiction; and if any person shall transport any passenger, carriages, or other property across the said river from said town to the opposite shore, other than those who are now authorized by law, or by virtue of this section of this act, for any reward or promise thereof, such person or persons shall be liable to pay a fine of twenty dollars, to be recovered by suit before a justice of the peace of said county in the name of the board of trustees, to be appropriated towards lessening the tax of said town; *Provided*, there may be an appeal allowed from such decision to either party, agreeable to the law in force at the time for granting appeals; and *provided* that the said trustees shall receive the same rates for ferriage as are now allowed by law.

Trustees may
keep a ferry
across the
Ohio.

To give bond
and security.

Penalty on
persons not
authorized by
law transport-
ing persons or
property a-
cross the river

Proviso.

Sec. 12. That the said trustees are hereby authorized to have the town plat, now in possession of said board, and which has been executed by A. Owens, surveyor of Mason county, recorded in the

Plat of said
town to be re-
corded, &c.

county court clerk's office of said county; or if already recorded, that it shall be as valid as if it were recorded under this act; which plat shall be considered as the true plat of said town; and the boundaries of said town shall be as therein delineated.

Storage of
powder and
salt.

Further pow-
er of the trus-
tees.

Fines how
recovered.

Trustees may
execute bonds
and deeds.

Repealing
and commenc-
ing clauses.

Sec. 13. The trustees aforesaid shall have power to regulate the storage of powder; to direct it to be stored in such place as may be most safe to secure the persons and property of the inhabitants; also to direct the storage of salt in such places as shall not injure the property of any but him upon whose premises it may be placed; they shall also be at liberty to make all useful regulations, for the government of the market, for cleansing and opening streets and alleys, for removing nuisances from the streets and alleys, and from any lot or lots, and from the beach and bank of the Ohio, in front of said town, and to take jurisdiction of all matters and things which may exist or happen to low water mark of said river, and for the internal government of said town generally, not inconsistent with this act and the constitution and laws of this state. And to effectuate the above purpose, they may make such bye-laws as may be necessary; and for any breach, or breaches thereof, they are hereby empowered to lay such fine or fines, not exceeding fifteen dollars, as they shall deem proper: and all fines by them imposed under this section, together with such as are imposed under any of the provisions of this act not otherwise provided for in this act, shall be sued for and recovered in the name of the trustees of said town, under the direction of the chairman, or of some person appointed by a majority of said trustees.

Sec. 14. The said trustees are authorized to execute any bond or bonds to any person or persons, or to any corporation, or to the commonwealth; also to receive any bond or bonds from any person or persons. They and their successors in office are also authorized to convey by deed, any lot or lots to which they may have title in their official capacity, and to execute any deed or deeds for the same, to sue and be sued, plead and be impleaded.

Sec. 15. All acts, or parts of acts, that come within the purview of this, shall be, and the same are hereby repealed.—This act shall commence and be in force from and after the Saturday preceding the first Monday in March next.

[328]
CHAP. DCII.

An ACT to establish the county of Oldham.

Approved, December 15, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That* from and after the first day of February next; all that part of the counties of Jefferson, Shelby and Henry, included in the following bounds, to-wit: Beginning at the mouth of Pond creek, on the Ohio river, opposite the Diamond island, thence a course to strike Floyd's Fork, at the mouth of Flat Rock creek, just below Henry Dorsey's mill; thence a course to include the house of John Hewlitt in the new county, and the same course continued to the Shelby county line, thence a course that will strike the road leading from Shelbyville to West-port, where it crosses the Lick-fork of Floyd's fork, thence a course to the house of Wilson Mattox, leaving him in Shelby county, thence a course that will strike the Henry county line one hundred poles east of the house of John W. Berry, thence a course that will strike the road leading from New-castle to West-port ten miles from New-castle, thence a course that will strike the Little Kentucky river, where the upper line of Marshall's old place crosses the same, thence down the said river to the Gallatin county line, thence with the Gallatin line to the state line on the Ohio river, thence down the same to the beginning, shall be one distinct county, called and known by the name of Oldham.

Boundary.

Sec. 2. The justices of the peace for the said county of Oldham shall meet at the house of George Varble, on the third Monday in February next, and after taking the necessary oaths of office, and after qualifying their sheriff agreeably to the constitution of the United States and the constitution and laws of this state; they shall proceed to appoint a clerk, to whose permanent appointment a majority of all the justices in commission, in and for said county must concur: but if such majority cannot be obtained in favour of any one, then the court shall appoint one *pro tem*.

The first county court where to be held, &c.

Sec. 3. The county court shall be held on the third Monday in every month, except the months

in which the circuit courts shall be held; and the County and circuit court shall be held on the third Monday in January, May and August in each year, and may sit six juridical days at each term, if the business require it, and shall form a part of the fourth judicial district.

Courts to retain jurisdiction over causes now depending. Sec. 4. The circuit and county courts of Jefferson, Shelby and Henry, and the justices of the peace therein, shall have jurisdiction of all matters in law or equity instituted prior to the commencement of this act.

Sheriffs &c. to collect dues. Sec. 5. It shall be lawful for the sheriffs and collectors in the counties of Jefferson, Shelby and Henry, to collect all fines and monies, and to execute all process, writs and executions as the law directs, which may be in their hands previous to the commencement of this act, and account for the same, as if this act had not passed.

Com'rs. to fix the seat of justice. Sec. 6. *Be it further enacted*, That James M'Connell, William Steele, Richard Fox, Andrew Muldrow and Willis Field, or any three of them, all of Woodford county, be appointed commissioners, to ascertain and fix on the most convenient and suitable place for the permanent seat of justice of Oldham county, regarding territory and population. They shall meet at the house of George Varble on the third Monday in May next, for that purpose; and after a majority shall agree upon any place, they shall report to the next county court; and it shall be the duty of the county court, as soon as practicable thereafter, to cause the necessary public buildings to be erected, and lay off and do that which may be necessary, or which may be required by law, in the establishment of towns.

The county court to lay off a town. Com'rs. pay. Sec. 7. The said commissioners appointed under the provisions of this act, shall be entitled to the sum of two dollars for each day they may be employed in the discharge of their duties, to be levied for their benefit at the laying of the first county levy.

Courts at Varbles till public buildings are completed. The circuit and county courts for the said county of Oldham shall continue to be held at the house of George Varble, until the necessary public buildings are erected.

and a
ing ch

CHAP. DCIII.

An ACT to add a part of the county of Fleming to the county of Nicholas.

Approved, December 15, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Fleming situate within the following boundary, to-wit: Beginning at the point on a line that divides said county from the county of Nicholas, that will be one half mile from the dwelling house of the late William Bartlett, deceased; thence a direct line to an oak tree, marked F. N. standing on the east side of the state road and near the improvement of Archibald Glenn, and about one quarter of a mile from James Waddles; thence a direct line to Licking river, at the mouth of a branch that empties into Licking river on the upper side of John Wishard's plantation; thence down Licking river to the mouth of Fleming creek where the division line between Fleming and Nicholas strikes Licking river, thence with said division line to the beginning, shall be, and the same is hereby added to and made a part of the county of Nicholas.

Boundary of the addition to Nicholas.

Sec. 2. *Be it further enacted,* That the sheriff of Fleming county shall have the same power and authority to execute all writs and other legal process, and collect all fines, within the above described boundary, which may be in his hands when this act takes effect; and also to collect within said boundary the revenue tax and county levy for the year one thousand eight hundred and twenty-three, as if this act had not passed.

The sheriff of Fleming may execute process, collect taxes &c. in said bounds.

Sec. 3. This act shall commence and be in force from and after the first day of January next.

Commencing clause.

CHAP. DCIV.

An ACT for the benefit of the heirs of Benjamin Beall and Jannette H. Beall, late of the county of Campbell.

Approved, December 15, 1823.

Recital.

WHEREAS it is represented to the present General Assembly, that the children and heirs of Benjamin Beall, deceased, claim title to sundry tracts of land within this commonwealth, which were devised by the will of their grand-father, William Kennedy, now deceased, to James Kennedy and Jannette H. Beall, the daughter of the said William, and the mother of the children and heirs of the said Benjamin; and that James Kennedy sold and conveyed the chief part of his estate in the lands devised to him as aforesaid, (the said James and Jannette being the residuary devisees in the will aforesaid,) to the above named Benjamin Beall, who by contract in writing covenanted in part payment for the estate so sold and conveyed, to pay the debts and satisfy the contracts made and entered into by the said William Kennedy, in his life time, and which were unsatisfied at the time of his death; and that sundry of the said debts and contracts still remain unpaid, and that a judgment has been rendered against the said James on the foundation of a contract entered into by the said William Kennedy, for upwards of \$3500, which is demanded in specie; by means of which said debts and contracts of the said William Kennedy, deceased, still unsatisfied, and of the judgment aforesaid and divers obligations and contracts of the above named Benjamin Beall, deceased, connected with the affairs of the estate of the said William Kennedy, deceased, and executed to relieve it from the embarrassments and difficulties in which it was involved; not only the entire estate of the said James Kennedy is exposed to sacrifice by reason of the judgment aforesaid, but the estate of the children and heirs of the said Benjamin and Jannette, either is, or will be liable upon forced sales (some of the said heirs being under the age of twenty-one years,) to suffer great loss and injury. And whereas, also it is represented that many of the claims to lands held by the said William Kennedy at the time of his death, were equitable only, and

that legal titles have not yet been obtained therefor by his representatives, and also that the principal part of his titles to lands are involved in disputes, and the said lands interfered with by conflicting claims :

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That *Commissioners* George M. Beall, James G. Linsey and Benjamin D. Beall shall be, and are hereby appointed, com- *ers appointed*

missioners, who, or any two of them are fully au- *Their powers*
thorized to settle and compromise all or any of the *and duties:*
disputed land titles of the said children and heirs of the said Benjamin and Jannette deceased, to which they have derived title or claim under the said Benjamin and Jannette, and also to sell and transfer any equitable title which the said children and heirs may have to any lands whatsoever, which they claim under the said Benjamin and Jannette, and to receive the consideration in either case, and to apply the same to the satisfaction of the said judgment against the said James Kennedy, or to reimburse him the amount which he has paid, and which he may hereafter pay in consequence thereof, and to the satisfaction of any other claims either against the estate of the said William Kennedy, or against the estate of the said Benjamin Beall arising out of his contracts for the sale or settlement of the said William Kennedy's estate ; and the surplus, if any, to be equally distributed amongst the children and heirs of the said Benjamin and Jannette : and if such sales are insufficient to pay and satisfy the judgment aforesaid against the said James Kennedy, or to reimburse him as aforesaid, and the claims against the estate of the said William Kennedy, deceased, and the claims against the estate of the said Benjamin Beall, deceased, as above set forth ; then the said commissioners, or a majority of them, are authorized to sell for such price as they may deem proper, so much of the other lands to which the said children and heirs are entitled as aforesaid, as will be sufficient to meet and discharge the debts and contracts aforesaid, and to make conveyances accordingly. And such conveyance or transfer, made by virtue of this act, by the said commissioners, or a majority of them, shall convey all the title of the said children and heirs therein, infancy or coverture in any of them notwithstanding.

Commission-
ers to make
conveyances
on sales of
their ancestor

Sec. 2. *Be it further enacted*, That in any case where the said Benjamin Beall or Jannette H. Beall have executed any contract for the conveyance of land which was formerly part of the estate of the said William Kennedy, deceased, that the said commissioners, or a majority of them, shall be, and they are hereby authorized to make conveyance to the purchaser or purchasers pursuant to such contract, or to the person or persons entitled to the benefit thereof by assignment or otherwise: *Provided*, the administrator of the said Benjamin Beall deceased, or the executors of the said Jannette H. Beall, deceased, as the case may be, shall certify the payment of the consideration for the same; or if they are otherwise satisfied that the consideration has been paid. Which conveyance, when so made, shall be as effectual as if it was executed by the heirs and legal representatives of the said Benjamin Beall and Jannette H. Beall, and shall pass all their title, estate and interest to the land so conveyed.

Commission-
ers to give
bond.

Sec. 3. *Be it further enacted*, That the said commissioners shall, before they enter upon the exercise of the duties herein assigned to them, in the county court of Campbell county enter into bond in such sum and with such security or securities as the said court may approve of, conditioned faithfully to perform and execute all and singular the matters and things which they are authorized to do and perform by this act: which bond shall be made payable to the Commonwealth of Kentucky; and from time to time, any person or persons agrieved thereby may, in the name of the said commonwealth, prosecute suit, and recover judgment, and have execution thereon according to law.

CHAP. DCV.

An ACT for the benefit of Joseph and Thomas Rotch, of Massachusetts.

Approved, December 15, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of public accounts issue a warrant in favour of Joseph and

Thomas Rotch, of the state of Massachusetts, for the sum of nine thousand dollars, for iron furnished by them to the Penitentiary institution in the year one thousand eight hundred and eighteen; which sum shall be paid by the Treasurer in *specie*, out of any money in the Treasury not otherwise appropriated.

CHAP. DCVI.

An ACT supplemental to the act establishing the county of Oldham.

Approved, December 16, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Oldham be, and the same is hereby entitled to thirteen justices of the peace, who shall be commissioned by the Governor to act accordingly. The said county shall be added to, and form a part of the ninth congressional district.

CHAP. DCVII.

An ACT to provide for running the line between the counties of Knox and Harlan.

Approved, December 16, 1823.

WHEREAS it is represented to the present General Assembly, that a law passed at the last session of the Legislature appointing two commissioners to run the line between the counties of Knox and Harlan, and that the commissioners so appointed failed to perform the duty on them enjoined by the said act, and that the time allowed by law for the said commissioners to perform their duty has expired: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That George W. Craig, of Harlan county, and Benjamin Tuggle, of the county of Knox, be and they are hereby appointed commissioners, whose duty it shall be, on or be-

Recital.

Commissioners appointed to run and mark the line.

Their duty.

fore the first day of October next, to survey and run the line between the said counties, from the mouth of Straight creek, a direct course to the *Tennessee state line, so as to pass a point at five miles due west of the Cumberland Gap.* The said commissioners shall have power to employ two chain carriers and a marker, who shall be allowed for their services one dollar per day; and the said commissioners shall be entitled for their services four dollars per day each: the whole to be paid jointly by the said counties of Knox and Harlan, out of their respective county levies.

Their compensation.

To report to the county court of Knox and Harlan.

Sec. 2. *Be it further enacted, That it shall be the duty of the said commissioners to make a report to their respective county courts, at their first term after the duties enjoined upon them by this act shall have been performed.*

CHAP. DCVIII.

An ACT allowing additional Directors to certain Branches of the Bank of the Commonwealth.

Approved, December 16, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be two additional Directors to the Branch Bank of the Commonwealth of Kentucky at Greensburg, to reside in Green county, one to the Branch at Hartford, and one to the Branch at Louisville, to reside in Nelson county in or near Bloomfield; each in addition to the number allowed by the charter; Provided, that said Directors shall not be entitled to any loan from said Branches in consequence of their several appointments.*

CHAP. DCIX.

An ACT forming a new county out of parts of the counties of Hardin and Breckenridge.

Approved, December 17, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after, the fourth Monday on March 1824, all that part of the counties of Hardin and Breckenridge contained in the following bounds to-wit: Beginning on the Ohio River at a point half way between the mouth of Salt river and the mouth of Otter creek, thence running so as to strike the road leading from the mouth of Salt river to Leachfield, at a point two miles distant on the nearest point from the road leading from Elizabethtown to the mouth of Salt River, thence a straight line to the mouth of the brushy fork of Otter creek, thence a straight line to the Big Spring, thence a straight line to Absalom Carr Sr's leaving said Carrs house in the new county, thence a straight line to the lower end of Flint Island, in the Ohio river, thence up the same to the beginning, shall be one distinct county, called and known by the name of Meade in honor of Captain James M. Meade who fell at the River Raisin.*

Boundary.

Name.

Sec. 2. The justices of the peace for the county of Meade who are directed to be appointed by this act, shall meet at the house of John Rush in said county on the fourth Monday in March 1824 and after taking the necessary oaths of office, and after qualifying their sheriff agreeably to the constitution of the United States, and constitution and laws of this state, they shall proceed to appoint a clerk, to whose permanent appointment a majority of all the justices in Commission in and for said county shall be necessary, but if such majority cannot be obtained in favour of any one candidate then they shall appoint one protem.

Justices when and where to meet.

Sec. 3. The county courts shall be held on the fourth Mondays in every month, except the months in which the circuit courts shall be held, and the circuit courts shall be held on the third Monday in May and fourth in July and September, and may, if necessary, continue to set six judicial days, and shall form a part of the fifth judicial district.

Courts when to be held.

Courts of two old counties to have jurisdiction.

Sec. 4. The circuit and county courts of Hardin and Breckenridge counties, and the justices of the peace therein, shall have jurisdiction over all matters in law or equity, instituted prior to the fourth Monday in March next.

Sheriffs to make collections, &c.

Sec. 5. It shall be lawful for the sheriffs or collectors in Hardin and Breckenridge counties to collect all fines and monies and to execute all process, writs and executions as the law directs, which were put into their hands prior to the fourth Monday in March next, and account for the same as if this act had not passed.

Courts of new county to appoint com'rs. of tax.

Sec. 6. The county court of Meade county shall appoint commissioners of the tax for the year 1824, who shall perform all the duties and be governed by the laws regulating commissioners of the tax in this state, and the clerk of the county court shall in like manner perform his duty in relation thereto.

Com'rs. to fix seat of justice.

Sec. 7. That James Crutcher, Benjamin Helm and Nicholas Müller of the county of Hardin, and David R. Murray and Joseph Allen of the county of Breckenridge, be appointed commissioners to ascertain and fix on the most convenient and suitable place for the permanent seat of justice for the county of Meade, who shall meet or a majority of them at the house of John Rush in said county, on the fourth Monday in March next, but if a majority shall fail to meet on that day, so soon thereafter as practicable; and after a majority shall have agreed upon a place they shall report the same to the next county court, and it shall be the duty of the said county court as soon as practicable thereafter, to cause the necessary public buildings to be erected and in every other respect lay off and do that which may be necessary in the establishment of towns; the commissioners appointed under the provisions of this act shall be entitled to the sum of two dollars for each day they may be necessarily engaged in the discharge of their duties, to be levied for their benefit at the first laying of the county levy for said county, and the courts for the county of Meade shall continue to be held at the house of John Rush until the necessary public buildings are erected.

When and where to meet

Their allowance.

Justices of peace to be appointed.

Sec. 8. That eight suitable persons shall be appointed and commissioned as justices of the peace for the said county of Meade, also a sheriff and coroner.

Sec. 9. The sheriff of either county in making their settlements with the county court of Meade or their agent, they shall be entitled to retain in their hands a sufficient sum to pay the demands of the several paupers that are now living within the bounds of the said county of Mead.

Part of the
levy collected
of new county
to be retained

CHAP. DCX.

An ACT to establish the county of Graves.

Approved, December 17, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Graves, bounded as described in the eighth section of an act forming the counties of Hickman, Graves, Calloway and M'Cracken, on the south west of Tennessee river, approved December 19th one thousand eight hundred and twenty-one, be, from and after the fifteenth day of January next, one distinct county called and known by the name aforesaid.

Sec. 2. There shall be commissioned for said county, ten justices of the peace, a sheriff and coroner, and the said justices of the peace shall meet at the town of Mayfield, laid off by the commissioners appointed by the before recited act, on the Thursday succeeding the second Monday in January next, and after taking the oaths of office, which may be administered by any acting justice of the peace for Calloway county, shall proceed to appoint a clerk to whose permanent appointment a majority of all the justices in commission in said county shall be necessary; and the county courts of said county thereafter, shall commence on the Thursday succeeding the second Monday in every month, except those months in which the circuit courts are directed to be held. The said county shall form a part of the seventh judicial district, and the judge of the said district shall by himself or in conjunction with the assistant judges to be appointed by this act, hold circuit courts for said county on the Thursday succeeding the second Mondays in February, May and November in each year, and continue three juridical days at each term if the business shall require it.

Number of
justices.

When and
where to meet

Courts when
to sit.

Seat of Justice
established.

Sec. 3. The permanent seat of justice for said county shall be, and is hereby established at the said town of Mayfield and the county court shall cause to be erected on the public ground in said town, the necessary public buildings according to law.

Jurisdiction
former courts
& extended.

Sec. 4. The circuit and county courts of Hickman county shall have jurisdiction over all matters depending before them at the commencement of this act, and it shall be lawful for all sheriffs and constables in the said county of Hickman, to collect fines and other monies which may be in their hands for collection, except the levy and revenue tax for the year 1823, and shall account for the same as if this act had not passed.

Sheriff of
Graves to
make certain
collections.

Sec. 5. It shall be the duty of the sheriff of Graves county, to collect the taxes and county levy arising from the property and titheables listed for taxation in the year 1823, within the bounds of said county and two thirds of all levies collected within the same, shall be paid to the county court of Graves, to be appropriated to the use and benefit of said county, and one third to the county court of Hickman to defray in part the current expenses of the present year. And it shall be the duty of the clerk of Hickman county to deliver to the sheriff of Graves county a copy of the commissioners books of the property and levies listed within the bounds of said county, and transmit a copy thereof to the Auditor of public accounts, and the sheriff of Hickman county shall have a credit with the Auditor for the same.

Assist. Judges
to be appointed.

Sec. 6. There shall be appointed two assistant judges for Graves county, who shall have and possess the same powers and receive the same compensation as is allowed to the assistant judges of Calloway and Hickman counties, by the fifth section of an act to establish Calloway county, approved November 30th 1822.

Provisions
concerning
jail.

Sec. 7. The sixth section of the above recited act respecting the use of the jails of Livingston and Caldwell counties, for criminals in Hickman and Calloway, shall continue and remain in force for Graves county.

Elections
when held.

Sec. 8. The annual general election for said county shall be holden at the seat of justice in said county, and all laws establishing election precincts in said county is hereby repealed.

CHAP. DCXI.

An ACT to revive the law providing for the appointment of Commonwealth's Attornies.

Approved, December 18, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act providing for the appointment of Commonwealth's Attornies," approved February 12th one thousand eight hundred and twenty, be, and the same is hereby revived and continued in force for two years, from and after the twelfth day of February next.

CHAP. DCXII.

An ACT for the benefit of George Payne of Union county, and George Payne of Henry county

Approved, December 18, 1823.

WHEREAS, it is represented to the present General Assembly, that George Payne has expended the sum of sixty five dollars in arresting and bringing to trial a certain John Farrow of Union county, for horse stealing, who has since been convicted of the same and is now confined in the jail and Penitentiary house of this Commonwealth. Recital.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the Auditor of Public Accounts be, and he is hereby authorized to issue a warrant on the Treasury in favor of the said George Payne, for the sum of sixty five dollars, to be paid out of any money in the Treasury not otherwise appropriated. Appropriations.

Sec. 2. The sum of forty dollars be, and the same is hereby appropriated agreeably to the provisions of this act for the benefit of George Payne of Henry county, for his trouble and expenses in apprehending — Cory a fugitive from justice.

CHAP. DCXIII.

An ACT providing for a change of venue in the case of Elijah Walton.

Approved, December 18, 1823.

Preamble. WHEREAS, it is represented to the present General Assembly, that Elijah Walton stands indicted in the Henderson circuit court for stabbing, and because the prosecutor possesses considerable influence in said county and has an extensive chain of near relations, all of whom the said Walton believes are warmly interested in his conviction, so that a fair trial cannot be had in said county: Therefore,

Walton may elect to be tried in Hopkins.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the next sitting of the Henderson circuit court, either a regular or special term, that the said Elijah Walton upon appearing in court to answer said indictment, may and he is hereby authorized and allowed to make his election, whether he will be tried upon said indictment in the Hopkins circuit court or not, and if he should not elect to be tried in the said Hopkins circuit court, the said Henderson circuit court shall proceed to try said Elijah Walton upon said indictment, in the same manner as if this act had not passed.

If he elects to be tried in Hopkins indictment &c. to be sent to clerk.

Sec. 2. If the said Elijah Walton shall, when the question is put to him by the judge of the Henderson circuit court, elect to be tried in the Hopkins circuit court, the court shall have his election entered upon record, and the clerk of the Henderson circuit court shall make out a certified copy of all the orders taken in said cause, to be sent with the indictment and other papers belonging to the prosecution, to the clerk of the Hopkins circuit court in the manner hereinafter directed. Upon the said Elijah Walton making his election to be tried in the Hopkins circuit court, the judge of the Henderson circuit court shall direct and order the sheriff of Henderson county forthwith to convey the said Elijah Walton to the jail of Hopkins county and deliver him to the jailor of said county of Hopkins, who is hereby authorized and directed to receive into his jail and custody the body of the said Elijah

Sheriff of Henderson to convey him to jailor of Hopkins.

Walton and to give said sheriff his receipt therefor, and also keep the said Elijah Walton in said jail until he shall be discharged by due course of law; said sheriff shall, and he is hereby authorized to summon such guards as he shall think fit, to assist him in conveying said prisoner to the jail of Hopkins county, and the sheriff and guard shall be allowed the same as is now allowed by law for similar services; and the said court shall recognize all the witnesses for the Commonwealth in said prosecution, to appear on the first day of the next term of the Hopkins circuit court, or in case of a called court, at such time as the said court shall designate, which recognizances shall be as obligatory on the witnesses as other recognizances are, when taken by virtue of any law now in force on that subject, copies of which recognizances shall be transmitted with the other papers belonging to the prosecution, to the clerk of the Hopkins circuit court and be as binding and subject to the like proceeding as other legal recognizances now are.

Witnesses to
be recognized

Sec. 3. As soon as practicable after the order, of the election, made as aforesaid, the clerk of the Henderson circuit court shall make out copies of all the orders made in his court in said prosecution, and shall deliver them, together with the indictment and other papers filed therein, to the sheriff of his county, and take his receipt therefor: and thereupon the said sheriff shall, with all practicable despatch, take said papers and indictment, and deliver the same to the clerk of the Hopkins circuit court, and take his receipt therefor. And the said sheriff shall be allowed six cents per mile in going to and returning from Hopkins county, to be paid out of the public treasury. And the said clerk of the Hopkins circuit court shall be, and he is hereby authorized to issue a venire facias subpoenas, and all other necessary process, as though the said indictment had commenced in his own court. And the said Hopkins circuit court shall have the same jurisdiction, and possess the same power to try said Elijah Walton upon said indictment, pronounce judgment, and cause the same to be executed, as they would have had if said offence had been committed in Hopkins county, and the prosecution being commenced, and indictment originated in the Hopkins circuit court. And the prosecution shall proceed in the

Indictment,
&c. to be sent
to the clerk of
Hopkins' circuit court.

Allowance to
sheriff.

Venire facias
&c. to be issued.

The circuit
court of Hopkins
to have
jurisdiction.

same manner, and the same challenge of jurors may be had, and in every respect subject to the same course as though the offence had been committed in the said county of Hopkins: *Provided however*, that the said Elijah Walton shall not be discharged either at the first, second, or third terms of the Hopkins circuit court, after said change of venue, if through any casualty a trial shall not be sooner had.

Penalty on clerk & sheriff for failing to do their duty.

Sec. 4. If either the sheriff or clerk of the Henderson circuit court, shall fail to comply with all or any part of the duties enjoined on them by this act, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice and rule of court to that effect, with proper time in the Henderson circuit court, in favour of the commonwealth; which fine or fines, sum or sums, shall be applied as other fines are now directed by law of a similar nature.

Allowance to witnesses.

Sec. 5. The witnesses attending the Hopkins circuit court by recognizance or subpoena, shall be allowed the same per day, and for travelling, as other witnesses going out of the county, by legal process.

CHAP. DUXIV.

An ACT to amend an act to establish a seminary of learning in the county of Hart.

Approved, December 18, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the seminary of learning in the county of Hart, be and they are hereby authorized to appropriate any sum not exceeding two-thirds of the amount of funds, in the same manner as is authorized by the seventh section of an act to amend an act to establish a seminary of learning in the county of Hart, approved November fifth, one thousand eight hundred and twenty-one.

CHAP. DCXV.

An ACT for the benefit of Thomas Mullins.

Approved, December 18, 1823.

WHEREAS it is represented to the General Assembly of the Commonwealth of Kentucky, that Thomas Mullins, of Casey county, a soldier of the revolution, is poor, old, and having a wife, daughter and grand-child depending upon him for a support, which he is unable to afford them in his distressed situation: For remedy, therefore;

Recital

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office be, and he is hereby authorized and directed, on the application of the said Thomas Mullins to issue to him a land warrant for fifty acres of land, without the state price being paid for the same; which warrant may be surveyed upon any vacant and unappropriated lands in the county of Casey, which is by law subject to location by land office warrants; and on the return of the plat and certificate of survey to the Register's office, a patent shall issue thereon, without fee as in other cases.

Fifty acres of land granted to him.

CHAP. DCXVI.

An ACT to compensate Henry Clay and John Rowan for their services as Counsel for the State of Kentucky, under the Convention with Virginia.

Approved, December 18, 1823.

WHEREAS Henry Clay and John Rowan, Esq's. were, at the last session of this General Assembly, appointed counsel to represent this state before the board of commissioners which was expected to be organized at the City of Washington in January last, in conformity to the convention, which was concluded and signed between the state of Virginia and the state of Kentucky on the fifth day of June, one thousand eight hundred and twenty-two; and the said counsel having attended at Washington City in discharge of said duty, and having also ap-

Recital

peared before the Supreme Court of the United States, in defence of our occupying claimant laws;

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the said Clay and Rowan shall respectively retain out of the monies in their hands advanced to them by the state, the sum of one thousand dollars, in full for their services. The balance in their hands, after deducting seven hundred and forty-four dollars, paid Jacob Burnett, is to be paid by them to the Treasurer; for which they are to take the said Treasurer's receipt, and lodge the same with the Auditor of public accounts.

Allowance.

Balance in
their hands to
be paid into
the treasury.

CHAP. DCXVII.

An ACT establishing election precincts in the counties of Fayette, Harrison and Lawrence, and for other purposes.

Approved, December 19, 1823.

Bounds of
first precinct
in Fayette.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Fayette, which lies between the Tates creek road and the Winchester road that runs by Montgomery's spring, and lying east of Hickman creek, running with that branch of said creek, which passes by Minter's factory to where it intersects the Winchester road, near to William Boone's, be erected into an election precinct; and that all the persons residing within the bounds of said precinct, entitled to vote at the several elections, be and they are hereby allowed to vote at the house of Richard Muir, at the Cross Plains, in said precinct, and in the event of said house being found not to answer, at such other house in the Cross Plains as the county court of Fayette may, in any year, designate, at their April county court held for said county next previous to the election:

Election
where held.

Second pre-
cinct.

Sec. 2. *And be it further enacted,* That all that part of Fayette county, which lies within the following bounds, to wit: Beginning at a point on Winchester road, opposite William Boone's horse mill, thence down the north fork of Elkhorn by Crystall's shop, to the Limestone road, thence along the

Limestone road to the county line, and thence along the Bourbon and Clarke county line to the said Winchester road, thence down the same to the place of beginning, shall be and the same is hereby established an election precinct. And it shall and may be lawful for all the persons residing within the last aforesaid bounds, entitled to vote at all general elections held for representatives, members for congress, and other officers in this state, at the house of Richard Chiles, at Chilesburg. And it shall be the duty of the county court, at the same time that they appoint a clerk and other officers to superintend the taking of votes at the court house in Fayette, to proceed to appoint, in like manner, officers to superintend and conduct the election at the places designated in the precincts aforesaid. And it shall be the duty of the sheriff of Fayette county to superintend the election at the precincts, in like manner, and under the same rules and regulations as that held at the court house of the county aforesaid; and it shall be the duty of the sheriff, or deputy sheriffs respectively, having charge and superintendence of the elections at the places of holding elections in the county of Fayette, to meet at the court house on the fourth day after the commencement of the election, with a list of the polls taken at each place, and after a just and fair comparison of the polls, to ascertain who are elected, and upon so ascertaining the statement of the polls, to give to the person or persons so elected a certificate of his or their election:

Election
where held.

County court
to appoint
judges, &c.

Sheriff's duty

Polls when
and where
compared.

Sec. 3. *And be it further enacted*, That the sheriff, and other officers appointed to attend the elections at the said precincts, shall be entitled to the same compensation, to be paid in the same manner as is provided for in the several acts relative to elections.

Compensation
to judges and
clerks, &c.

Sec. 4. *And be it further enacted*, That it shall and may be lawful for any person residing within either of the said precincts, who shall prefer voting at the court house in Fayette county, to do so as heretofore, any thing in this act notwithstanding: *Provided however*, if any person shall vote more than once at any such election, that he shall be subject to the same fine or penalty, that is affixed by law for voting twice, and to be recovered in like manner.

Persons re-
siding in the
precincts may
vote at the
court house.

Proviso:

Sec. 5. *Be it further enacted,* That all that part of the county of Harrison within the following boundary, to-wit: Beginning at the mouth of Crockett creek, thence up Licking river to the mouth of Twin creek, thence up Twin creek to the Scott line, thence along the Scott line to the Grant county line, thence along the Grant line to the Pendleton county line, thence along the Pendleton line to the beginning, shall be an election precinct in the county of Harrison, and that the elections be held at the house of Lewis Kendall, on Raven creek, in said precinct.

Precinct in Harrison.

Elections where held.

And said county court of Harrison shall appoint judges and clerk to attend the election in said precinct; and the sheriff of Harrison shall, by himself or deputy, attend the elections to be held in said precinct, as is now provided by law in other cases.

Judges and clerks to be appointed.

Sec. 6. *Be it further enacted,* That nothing in this act contained shall prevent any person, who by law is entitled to vote in said county of Harrison, and who may reside within the bounds of said precinct, from voting at any other place of holding elections in said county, nor any person who may reside without said precinct from voting at elections in said precinct; *Provided*, no person shall be entitled to vote twice at the same election.

Regulations as to voting in said precinct.

Sec. 7. *Be it further enacted,* That all that part of Lawrence county in the following boundaries, to-wit: Beginning where the line of said county crosses the east fork of Little Sandy, thence up the east fork to its head, thence with the dividing ridges between the waters of Little Sandy and Blain's creek to the Lawrence county line, thence continuing around with said line to the beginning, shall compose an election precinct in said county of Lawrence; and elections for said precinct shall be held at the house of John Lester, on the little fork of Little Sandy. And the county court of Lawrence shall appoint judges and clerk to attend all elections in said precinct; and the sheriff of Lawrence shall, by himself or deputy, attend elections to be held in said precinct, as is now provided by law in other cases.

Precinct in Lawrence.

Elections where held.

Judges and clerk appointed.

Sec. 2. *Be it further enacted,* That nothing in the preceding section of this act contained, shall prevent any person who by law is entitled to vote in said county of Lawrence, who may reside within the bounds of the said precinct, from voting at any

other place of holding elections in said county, nor to prevent any person entitled by law to vote in said county, who may reside without said precinct, from voting at elections in said precinct; *Provided*, that no person shall be entitled to vote twice at the same election. Regulations as to voting.

Sec. 9. *Be it further enacted*, That the election in the Whitten precinct in Floyd county shall hereafter be held at the house of John Hatcher, in said county, and be governed by the same rules and regulations as now prescribed by law. Place of election in Whitten precinct in Floyd c'ty. changed.

CHAP. DCXVIII.

An ACT for legalizing the proceedings of the county court of Warren, in laying the levy at the November term 1823.

Approved, December 19, 1823.

WHEREAS, it is represented to the present General Assembly, that the county court of Warren, at their November term in the year one thousand eight hundred and twenty-three, did proceed to receive claims against said county, and lay the levy in said county, without a majority of all the justices of the peace for said county, in commission, being present, and doubts have arisen as to the legality of the said proceedings of said court: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the county court of Warren in receiving said claims, and laying the levy of said county, be legalized and as valid as if a majority of all the justices of the peace for said county of Warren in commission had been present,

CHAP. DCXIX.

An ACT to amend an act entitled, "an act to incorporate a Turnpike Road Company from Louisville to Portland and Shippingport."

Approved, December 19, 1823:

Proceedings upon complaint that the road is not in proper repair.

Three freeholders to be sworn to enquire into the fact and report to the judge of the Jefferson circuit court.

The judge upon their report that the road is out of repair may cause gates to be thrown open and collection of toll to cease.

Company may demand retrial of said matters by jury of six persons.

Mode of proceedings &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if the managers of the Louisville and Portland and Shippingport Turnpike Company, shall neglect to keep the said road in good repair, for the space of ten days, and information thereof shall be given to the judge of the Jefferson circuit court, such judge shall issue a precept to be directed to any sheriff or constable, commanding him to summon three judicious and disinterested freeholders to be named by said judge, to meet at a certain time, at the place in said road, which is complained of, of which meeting reasonable notice shall be given to the President of said Company, or to a keeper of a gate or turnpike, and the said judge shall direct the said freeholders, they having been first duly sworn, truly and impartially to enquire into and report on the matters submitted to them by said judge, and cause a report thereof to be made to said judge, under their hands and seals, and if the said road shall be found by the inquisition, to be out of repair, contrary to the true intent and meaning of this act, they shall so report and certify to said judge, who shall thereupon, within four days, cause the said Turnpike gates to be thrown open, and until authorized as hereinafter directed, the said keepers shall not demand or receive any toll from passengers upon said road: *Provided however*, that when said freeholders shall report said road out of repair, the President of the board of managers of said Company or the keeper of the Turnpike gate may, within three days after such report shall have been made to said judge, demand of said judge a trial of said matters; by an impartial jury of six, to be impannelled under the controul of said judge, who shall cause said jury to be impannelled before him within six days after the said report of said freeholders shall have been made to him, and upon the trial of the matters submitted to said jury, the said company may produce evidence as to the con-

dition of the said road ; the finding of said jury shall be in writing, and thereupon the judge may in his discretion, order the said Turnpike gate to be thrown open, and the collection of toll to cease, until he shall otherwise order, and as soon thereafter as the said judge shall be satisfied that said road is in reasonable repair, he shall so certify to said Company, and thereupon toll may be collected as authorized by law, and if any of the keepers of said gates shall take or attempt to exact tolls, for any part of said Turnpike, from any traveller during the time said road shall be out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars for each offence, to be recovered before any justice of the peace as debts of equal amount may be recovered ; but if the said road shall not be put in good order before the next ensuing circuit court for Jefferson county, the said judge shall certify and send the said report to the clerk of the said court, and the court shall thereupon cause process to issue and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of the road, found defective as aforesaid, and shall in a summary way, enquire into the fact, and enter up judgment according to the nature of the case, the aggravation and neglect as aforesaid, as the said court shall, in their discretion, judge proper : *Provided*, the fine in no instance shall be less than twenty or more than one hundred dollars, and the fines so imposed shall be recovered in the same manner as other fines against said Company, and be applied as now directed by law.

Upon the finding of the jury the judge may cause gates to be thrown open until road is repaired.

Penalty for receiving toll when road is out of repair.

How recovered.

Fines may be imposed for a continued neglect to repair the road.

How recovered and applied.

Sec. 2. *Be it further enacted*, That the thirteenth section of the act to establish a turnpike road from Louisville to Portland and Shippingport, approved February third, one thousand eight hundred and eighteen be, and the same is hereby repealed.

Sec. 13th of the recited act repealed.

CHAP. DCXX.

An ACT for the benefit of James Kirkham's heirs.

Approved, December 19, 1823.

Recital.

WHEREAS, on the fourteenth day of November one thousand eight hundred and twenty-two, an act passed for the benefit of the heirs of James Kirkham, and the Auditor feels unauthorized to issue a grant by virtue of said act, inasmuch as the description given of the character and quantity of the land does not correspond with the survey as returned.

Register to issue patent.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land-Office is hereby directed to issue to the heirs of James Kirkham, a patent for one hundred and thirty acres of land, granted by virtue of Commissioners certificate, from Warren county, No. 1904 : *Provided however*, that the widow of the said Kirkham shall be entitled to her dower in said land.

CHAP. DCXXI.

An ACT for the benefit of Jane Proctor and her children.

Approved, December 19, 1823.

Recital.

WHEREAS, it is represented to the present General Assembly, that William Proctor, late of the county of Monroe, died seized and possessed of two claims of land lying in the said county of Monroe, granted to him by virtue of two commissioners certificates, the one for two hundred acres, No. 1898, and the other for one hundred and fifty acres No. 83 ; That the said William Proctor during his life time, paid about half the state price thereon ; that in the protracted illness which terminated his life, the fees of Physicians so exhausted his personal property as to leave his widow, Jane Proctor, with a numerous family of helpless children, unable to pay the balance of the state price on said tracts of land ; and

moreover, that the said William Proctor was a soldier in the regular service of the United States during the revolutionary war, and although severely wounded in that service, he never did apply for, or receive the smallest pecuniary aid from government.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the balance of the state price due and unpaid on the above mentioned tracts of land be, and the same is hereby remitted, and the Register is forthwith authorized and required to issue patents accordingly, as though the state price had been paid thereon.

Balance of state price remitted and patent to issue.

CHAP. DCXXII.

An ACT appointing Trustees to the town of Fairfield in Nelson county.

Approved, December 19, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles Medcalf, Elisha Medcalf, James Spalding, Waller Simpson and Richard Bodine be, and they are hereby appointed Trustees for the town of Fairfield, and they are hereby authorized to make conveyances for lots in said town, and do all other acts the former Trustees might or could do,*

Names of the trustees.

Powers vested in them.

Sec. 2. *Be it further enacted, that when any vacancy shall take place in said board of Trustees, the county court of Nelson shall have power to fill the same from time to time as they may occur.*

Vacancies to be filled by the Nelson Circuit court.

CHAP. DCXXIII.

An ACT for the benefit of Chasteen T. Dunivan Sheriff of Warren county.

Approved, December 19, 1823.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Chasteen T. Duniven, sheriff of Warren county,

in consequence of the sitting of the chancery term in November, also, the court of assessment of the twenty-fifth and sixty-first regiments of Kentucky militia, at the same time, which placed it out of the power of said sheriff to return his delinquent list of the sixty-first regiment: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Chasteen T. Duni-ven, sheriff of Warren, shall have till the first Monday in May next, to return his delinquent list of fines of said sixty-first regiment to the court of appeals of said regiment.

CHAP. DCXXIV.

An ACT to amend an act entitled, "an act to incorporate the Cynthiana Library Company."

Approved, December 19, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, whenever it shall appear to the Directors of the aforesaid company, that any shareholder has materially damaged any book, map or chart, belonging to said corporation, it shall be lawful for the directors aforesaid, to impose a fine upon such shareholder equivalent to such damage.

Sec. 2. That the election for directors of said corporation, shall hereafter be annual, instead of semi-annual, and that said directors be considered duly elected upon receiving a majority of the votes taken at such election.

Sec. 3. That so much of the act of incorporation approved the eighth of February, one thousand eight hundred and nineteen, as comes within the purview of this act, shall be, and the same is hereby repealed.

CHAP: DCXXV.

An ACT for the benefit of the widow and children of Edward M'Guire, deceased.

Approved, December 27, 1823.

WHEREAS, it is represented to the present General Assembly, that William M'Guire, Edward M'Guire and Willis M'Guire, held as joint tenants, the fee simple estate of, in, and to two hundred and eighty-five acres of land, lying in the county of Clark, on the waters of Lulbegrud, in the Indian old fields, that said Edward made a parol sale of his undivided interest therein, to the said William M'Guire, for the consideration of eleven hundred dollars, the whole of which the said Edward received; that said William M'Guire has since sold and conveyed the same land to Thomas Goff; that said Edward hath since departed this life intestate, never having entered into any writing whatever, evidencing said sale, leaving a widow and two infant children, in whom the legal title vested by descent, and that if a law could be passed, authorizing a court of chancery to carry into effect said sale, it would greatly redound to the advantage of said widow and children: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the said William M'Guire presenting and filing his petition in the nature of a bill in chancery in the Clarke circuit court, against the said widow and children, therein alledging said sale, the payment of the consideration money, and upon his making satisfactory proof of the material allegations therein, it shall be the duty of said court to decree to said William M'Guire; his heirs and assigns, such deed of conveyance, as by the terms of said sale may appear right and proper, thereby conveying the whole interest of them the said widow and children, of, in and to said two hundred and eighty-five acres of land, with the appertenance; and which deed when made and delivered, shall vest the said William M'Guire, his heirs and assigns, with the entire interest of said widow and children of, in and to said land, as effectually to all intents and purposes as if the same had been made by the said Edward M'Guire.

Authority given on the circuit court of Clark to decree conveyance on a parol contract upon certain facts.

Proviso.

Guire in his life time ; *Provided however*, that nothing in this act contained, shall be so construed as to authorize said court to decree a conveyance of the widows right of dower to said land unless she shall elect to part with the same.

Sec. 2. This act shall commence and be in force from and after the passage thereof.

CHAP. DCXXVI.

An ACT for the benefit of Benjamin Wright.

Approved, December 29, 1823.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Benjamin Wright, surveyor of Hardin county, (owing to his being absent on a long journey) failed to renew his bond agreeable to law ; and it is further represented, that the said Wright came forward to the court, at their May term one thousand eight hundred and twenty-two, and renewed his bond : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the acts and doings of said Wright as surveyor, are hereby declared legal and valid to all intents and purposes as if the said Wright had renewed his bond in due time, and the said bond is as legal and valid as if it had been renewed in due time.

CHAP. DCXXVII.

An ACT allowing additional Justices of the Peace to certain counties.

Approved, December 29, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed, and commissioned according to law, one additional justice of the peace for the county of Hardin, to reside in the town of Hodgenville, or within a mile thereof ; one for the county of Todd,

Additional
justices allow-
ed to Hardin,

to reside in the neighborhood of John Armstrong, Todd, Daveiss
sen'r, on the waters of Pond river; one for the Pendleton, A-
county of Daveiss, to reside at or near the Yellow dair, Casey,
Banks; one for the county of Pendleton, to reside Washington
in the south corner of said county, in the neighbor- & Jessamine.
hood of Dehart's and Thomas Dance's; one for the
county of Adair, to reside on the north side of Rus-
sell's creek, in the neighborhood of William Town-
send's mill; one for the county of Casey, to reside
in the town of Liberty; one for the county of Wash-
ington, to reside in the north end of said county, in
the bounds of Capt. John Washe's company; one
for the county of Jessamine, to reside on the east
side of Hickman creek, below Goggin's ferry road.

—There shall be appointed an additional constable Additional
for the county of Fayette, to reside between the constable to
Georgetown and Henry's mill road: also, one ad- Fayette.
ditional justice of the peace, for Nicholas county; One justice
one additional justice of the peace for the county of to Nicholas,
Bath, to reside on Salt Lick creek; one additional one to Bath &
justice for the county of Hart; one additional one to Hart.
constable in the county of Fleming, to reside in the Constable to
neighborhood of Thomas Todd; one additional Fleming.
justice of the peace for the county of Washington, to One justice
reside within three miles of the mouth of Hardin's to Washing-
creek; one additional justice of the peace for Bour- ton, and one
bon county, to be appointed in the town of North to Bourbon.
Middletown; one additional constable for Chris- Constable to
tian county, in the bounds of Capt. Henry's com- Christian.
pany; one additional justice of the peace for Whit- Justice and
ley county, to reside on Meadow creek; one constable to
additional constable for said county of Whitley, to Whitley.
reside on the Laurel fork of the Clear Fork; one Constable to
additional constable for Livingston county, to reside Livingston, &
in the town of Salem; and one additional constable two to War-
for Warren county, in Capt. Stour's company. ren.
also, one to reside near James M. Blakey.

CHAP. DCXXVIII.

An ACT to authorize the transcribing a book of entries in the office of the Surveyor of Nelson county, and for other purposes.

Approved, December 29, 1823.

Recd. al.

WHEREAS it is represented to this General Assembly, that one of the entry books in the office of the Surveyor of Nelson county, is so mutilated and out of order so as to be almost useless, and that the book of surveys in said office wants re-binding : Therefore,

Surveyor to cause a book of entries to be copied, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Surveyor of Nelson county, to cause said book of entries to be copied in a fair hand, in a well bound book, to be provided for that purpose; and also to cause said book of surveys to be substantially re-bound.

To be compared with the original.

Sec. 2. That, so soon as said book of entries shall be copied as aforesaid, the county court of Nelson county shall appoint two fit persons, who shall, with the Surveyor, carefully examine and compare the copy thus made out, with the original; and if they find it correct, it shall be their duty to certify under their hands, that they have carefully examined and compared the entries thus copied with the original book, and that the same contains a full, true and perfect transcript of the entries, of which it purports to be a copy : and they shall be each entitled to receive two dollars per day for each day they may be necessarily employed in performing the duties enjoined on them by this act, to be paid by the Surveyor.

Pay of com'rs. for making examination.

Copies therefrom to have the same credit as copies from the original book.

Sec. 3. The copy made out as aforesaid shall have all the force, credit and validity as the original had; and that any copy or copies therefrom, duly attested, according to the ordinary forms of law, by the Surveyor, shall have the same force, credit and validity which any copy or copies of records now have.

Surveyor's pay, &c.

Sec. 4. That the Surveyor shall be entitled to five cents for every entry transcribed, together with the costs of the book in which they are inserted, and the costs of binding the books of surveys : and the

Auditor of public accounts is hereby directed, upon said Surveyor's producing to him his account, verified on oath before the Nelson county court, setting forth the number of entries thus transcribed, and of the costs of the book in which they are inserted, and the costs of binding the said book of surveys, to issue his warrant on the Treasurer for the amount thereof, which shall be paid out of any money in the Treasury.

Sec. 5. *And be it further enacted*, That the Surveyors of Bullitt and Logan counties be, and they are hereby required to procure a plain and well bound book, or books, in which it shall be their duty to transcribe, in a fair and legible hand, all the entries in the books of their respective offices.

Surveyors of Bullitt and Logan to copy books of entries in their offices.

Sec. 6. That when the entries shall be thus transcribed, or copied, the county courts of Bullitt and Logan shall, upon application of said Surveyors, appoint two fit and discreet persons, of their counties, to compare and carefully examine the same with the original book of entries; and should they find them truly and fairly copied, they shall certify the same to said courts, under their hands and seals, together with the number of entries thus transcribed.

To be compared with the originals, by com'rs. appointed by county court.

Sec. 7. That copies of entries thus transcribed as aforesaid, when regularly certified by the Surveyor in the manner prescribed by law, shall have the same force and validity as the original entries: *Provided however*, that all persons concerned or interested, shall have access to the original book.— And it shall be the duty of the Surveyors carefully to preserve the same.

Duty of com'rs. Copies from said books declared competent evidence.

Sec. 8. *And be it further enacted*, That said Surveyors shall receive in full satisfaction, five cents each, for every entry copied as aforesaid, and the cost of the book or books procured for that purpose; and upon producing a bill verified upon oath before the county court of said county of Bullitt or Logan, and the fact certified by the clerk of either court, the Auditor shall issue his warrant on the Treasurer for the amount so respectively certified: *Provided however*, that before the Surveyors of said counties of Nelson, Bullitt and Logan proceed to comply with the requisitions of this act, each of them shall obtain from the county court of their respective counties, an order upon an inspection of their book or books of entries that the same is necessary.

Proviso. Surveyor's pay, &c. Proviso.

CHAP. DCXXIX.

An ACT for the benefit of Thomas Pitman.

Approved, December 29, 1823.

Recital.

WHEREAS it is represented to the present General Assembly, that Humphrey Marshall, being the owner of an entry for one hundred acres of land upon the head of Salt river, in the then county of Lincoln, now the county of Mercer, for a valuable consideration transferred the same to the said Thomas Pitman; that afterwards, on the 23d day of June, 1785, the said Pitman caused said entry to be surveyed in the name of said Marshall, by William Irvin, deputy Surveyor of Lincoln county, and paid the fees of surveying, as also the Register's fees to said Irvin, who promised to register said plat. That some years after, the said Pitman took possession of said land, which he has continued to possess ever since. That for many years past the said Pitman has been much afflicted with the palsy, so as greatly to disable him in attending to any kind of business. That about the first of June last, it was for the first time discovered that a patent had never issued for said land, and that said Irvin had failed to return the plat, and certificate thereof, to the Register's office. That what has become of the said Irvin, is at this time unknown:—For remedy whereof,

Register directed to issue a patent for land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register is hereby directed to issue to the said Thomas Pitman a patent for the aforesaid one hundred acres of land, upon the said Pitman producing to the said Register a copy of the plat and certificate of survey aforesaid, and paying the fees required by law—which grant shall vest in the said Pitman all the right of the Commonwealth in said land, as though the same had been carried into grant under any former law: *Provided* however, that said Pitman shall procure the assignment of said Marshall upon the copy of the plat and certificate aforesaid, before any grant shall issue.

CHAP. DCXXX.

An ACT providing for a change of venue in the case of William Cornwell.

Approved, December 29, 1823.

WHEREAS it is represented to the Legislature that William Cornwell stands indicted in the Warren circuit court, in two cases, one for perjury and the other for larceny, and from the prejudice of the citizens of said county, he cannot have a fair trial in said county : Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the next sitting of the Warren circuit court, whether a regular or special term, that the said William Cornwell, upon appearing in court to answer said indictments, may, and he is hereby authorized and allowed to make his election whether he will be tried upon said indictments in the Simpson circuit court or not; and if he should not elect to be tried in the said Simpson circuit court, the said Warren circuit court shall proceed to try said William Cornwell upon said indictments, in the same manner as if this act had not passed.

May elect to be tried in Simpson circuit court.

Sec. 2. If the said William Cornwell shall, when the question is put to him by the judge of the Warren circuit court, elect to be tried in the Simpson circuit court, the court shall have his election entered upon record, and the clerk of Warren circuit court shall make out certified copies of all the orders taken in said cause, to be sent with the indictments and other papers belonging to the prosecution, to the clerk of the Simpson circuit court, in the manner herein after directed. Upon the said William Cornwell making his election to be tried in the Simpson circuit court, the judge of the Warren circuit court shall direct and order the sheriff of Warren county forthwith to convey the said William Cornwell to the jail of Simpson county, and deliver him to the jailor of said county of Simpson, who is hereby authorized and directed to receive into his jail and custody the body of the said William Cornwell, and to give said sheriff his receipt therefor, and shall also keep the said William Cornwell in said jail, until he shall be discharged by due course

Papers to be certified to said court.

Sheriff to deliver him to jailor of Simpson, and may summon guards.

of law. Said sheriff shall, and he is hereby authorized to summon such guard as he shall think fit to assist him in conveying said prisoner to the jail of Simpson county; and the sheriff and guard shall be allowed the same as is now allowed by law for similar services. And the said court shall recognize all the witnesses for the commonwealth in said prosecution, to appear on the first day of the next term of the Simpson circuit court, or in case of a called court, at such time as the said court shall designate; which recognizances shall be as obligatory on the witnesses, as other recognizances are, when taken by virtue of any law now in force on that subject: copies of which recognizances shall be transmitted, with the other papers belonging to the prosecution, to the clerk of the Simpson circuit court, and be as binding and subject to the like proceedings as other legal recognizances now are.

Witnesses to
be recogniz'd

Copy of indictment, &c.
to be transmitted to cl'k
of Simpson
circuit court.

Sec. 3. As soon as practicable after the order of the election, made as aforesaid, the clerk of the Warren circuit court shall make out copies of all the orders made in his court in said prosecution, and shall deliver them, together with the indictments and other papers filed therein, to the sheriff of his county, and take his receipt therefor; and thereupon the said sheriff shall, with all practicable despatch, take said papers and indictments and deliver the same to the clerk of the Simpson circuit court, and take his receipt therefor; and the said sheriff shall be allowed six cents per mile, in going to, and returning from Simpson county, to be paid out of the public treasury. And the said clerk of the Simpson circuit court shall be, and he is hereby authorized to issue a *venire facias*, *subpoenas*, and all other necessary process, as though the said indictments had commenced in his own court. And the said Simpson circuit court shall have the same jurisdiction, and possess the same power to try said William Cornwell upon said indictments, pronounce judgment, and cause the same to be executed, as they would have had if said offences had been committed in Simpson county, and the prosecutions been commenced and indictments originated in the Simpson circuit court; and the prosecutions shall proceed in the same manner, and the same challenge of jurors may be had, and in every respect subject to the same course as though the offences had been

Pay to sheriff.

Process to
be issued.

The court of
Simpson to
have jurisdiction.

committed in the said county of Simpson : *Provided* however, that the said William Cornwell shall not be discharged either at the first, second or third terms of the Simpson circuit court, after said change of venue, if through any casualty a trial shall not sooner be had.

Provide.

Sec. 4. If either the sheriff or clerk of the Warren circuit court shall fail to comply with all or any part of the duties enjoined on them by this act, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice and rule of court to that effect, with proper time, in the Warren circuit court, in favor of the commonwealth; which fine or fines, sum or sums, shall be applied as other fines are now directed by law of a similar nature.

Penalty on the sheriff and clerk of Warren.

Sec. 5. The witnesses attending the Simpson circuit court by recognizance or subpoena, shall be allowed the same per day and for travelling, as other witnesses going out of the county by legal process.

Pay to witnesses.

CHAP. DCXXXI.

An ACT to prolong and continue in force, an act for the benefit of Joseph Barnett and his associates.

Approved, December 29, 1823.

WHEREAS Joseph Barnett and his associates have, since one thousand eight hundred and ten, been assiduously engaged in digging and boring for salt water, and erecting salt works at the Double Licks, on the Horse Lick fork of Rockcastle; and have, from their long and persevering industry in said business, wasted their substance in a great measure. And whereas it appears that said Barnett and his associates will, by further persevering in said business, in all probability render said salt works of great utility to the good people in that section of country :

Recital.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the farther time of five years be given said Barnett and associates, for locating and carrying into grant five thousand acres of land in a square, including said

Five years allowed to appropriate certain lands.

alt wells in the centre; and they are authorized to appropriate said land in said period, at ten dollars per hundred acres.

CHAP. DCXXXII.

An ACT for the benefit of the heirs of Byrd Lencar.

Approved, December 29, 1823.

Recital.

WHEREAS it is represented that Byrd Lencar, late of Warren county, departed this life leaving sundry children, all of whom are adults; that one of the said children is an idiot: that he died seized of a tract of land in said county, which is incapable of division beneficially for those interested; that all the heirs except the idiot have made a sale of said tract of land, which is believed to be beneficial to all interested, but the payment cannot be obtained until the conveyance is made, and the idiot cannot convey. And it is represented that the price of said land would (that portion of it which will belong to the idiot,) lighten the public burthen of maintaining him: Wherefore,

Guardian authorized to unite with the other heirs in the sale of a tract of land.

Duty of the guardian, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the guardian or commissioner appointed for the care of the said idiot may and he is hereby authorized to unite with the other heirs of the said Byrd Lencar, in a conveyance of the said tract of land to the purchaser thereof, taking care that the consideration or purchase money therefor shall be paid, or secured to be paid before the conveyance is executed: which said conveyance shall be as valid so far as relates to the said idiot, as if he had been of competent intellect, and had executed the conveyance in proper person—his guardian remaining liable for the just application of his proportion of the purchase money to his sustenance.

CHAP. DCXXXIII.

An ACT to abolish an election precinct in Cumberland county.

Approved, December 29, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, approved January twenty-second, one thousand eight hundred and twelve, as authorizes an election precinct to be erected in the county of Cumberland be, and the same is hereby repealed.

CHAP. DCXXXIV.

An ACT for the benefit of Frederick Snider.

Approved, December 29, 1823.

WHEREAS, it is represented to the present General Assembly, that Frederick Snider, of the county of Whitley, has recently lost the greater part of his land, by a judgment of the Federal court, founded upon a superior adverse claim; and whereas it is further represented, that the said Snider is settled upon the said land, claiming the same under two surveys, made under the laws of this Commonwealth in relation to head right claims—that the residue of the said two surveys, not taken by the adverse claim aforesaid, is sterile and broken land, and that the said Snider is a poor man, with a family of children dependent upon him for support: For remedy whereof,

Sec. 1: *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Frederick Snider be, and he is hereby authorized and permitted to survey and appropriate the residue of the land, included in the said two surveys, whereon he is settled as aforesaid, and which has not been taken or covered by the adverse claim aforesaid, under and by virtue of a land office Treasury warrant, according to the laws now in force, regulating that description of appropriation.*

CHAP. DCXXXV.

An ACT for the benefit of John Cottrell and others.

Approved, December 29, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky. That the further time of two years from and after the first day of January next be, and the same is hereby allowed to John Cottrell, Thomas Wyatt and Thomas Arthurs jr. of Knox county, to avail themselves of the provisions of an act for their benefit, approved December the fifth, one thousand eight hundred and twenty-one.

CHAP. DCXXXVI.

An ACT to amend the law in relation to the Turnpike and Wilderness road.

Approved, December 29, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky. That hereafter no person who shall reside within two miles of the Turnpike and Wilderness road, in Knox and Harlan counties, shall be compelled to work on any other public road, but all such persons shall be compelled to work on said road, four days in each year; *Provided however,* that no person who shall reside nearer the road leading through Barbourville than that of the Turnpike road, shall be compelled to work on said Turnpike road.

Sec. 2. Be it further enacted, That hereafter the keeper of the Turnpike gate shall not demand or receive of any citizen of Harlan county, any toll for themselves or property passing the gate, any law to the contrary notwithstanding.

Regulation as
to working
and repairing
said road &c.

Citizens of
Harlan ex-
empted from
paying tolls.

CHAP. DCXXXVII.

*An ACT for the benefit of the late sheriffs of Ohio,
Breckenridge and Daveiss counties..*

Approved, December 29, 1828.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Ohio be, and they are hereby authorized to receive and certify a list of delinquents, against whom fines were assessed in one thousand eight hundred and twenty, and which should have been collected in the year one thousand eight hundred and twenty-one, when applied to by the late sheriff or his successor of said county, and that the paymaster of the forty-ninth regiment of Kentucky militia, credit him therewith. County courts of Ohio and Breckenridge authorized to certify delinquent lists &c.

Sec. 2. *Be it further enacted,* That the county court of Breckenridge county be, and they are hereby authorized to receive and certify a list of delinquents, against whom fines were assessed, and which should have been collected and accounted for in eighteen hundred and twenty-two, when applied to by the late sheriff of said county, and that the paymaster of the fifty-ninth regiment of Kentucky militia, credit him therewith.

Sec. 3. *Be it further enacted,* That the county court of Daveiss county is hereby authorized, at their March term, to receive and certify to the Auditor for payment, a list of delinquents of the revenue tax for the year one thousand eight hundred and twenty-two, which was omitted through mistake, at their last November term, and the said sheriff is moreover authorized to return to the said court, a list of delinquents of militia fines, which were properly returnable in November, one thousand eight hundred and twenty-two, which he failed to do on account of necessary absence, and the paymaster of the seventy-third regiment is hereby authorized and required to credit the said sheriff with the same. County Court of Daveiss authorized to certify delinquent lists &c.

CHAP. DCXXXVIII.

An ACT for the relief of the acting Executor of William Hardin deceased.

Approved, December 29, 1823.

Recital.

WHEREAS, it is represented to the present General Assembly, that William Hardin, late of Breckenridge county, departed this life, having duly executed his last Will and Testament, by which he authorized his executors to sell and dispose of his real estate, and that all of his executors except John E. Hardin, have declined the trust, and that said John E. Hardin has duly qualified and taken letters of probate to said Will; and whereas it is further represented, that the said William Hardin left sundry land contracts unexecuted, for which he had executed bonds or other instruments of writing, binding himself to convey: and whereas doubts are entertained, whether the said John E. Hardin as acting executor can of himself, fulfil and execute the purposes of the said Will: For remedy whereof,

Acting executor authorized to sell and convey certain lands &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said John E. Hardin, the acting executor may, and he is hereby authorized to sell and convey any lands agreeably to the provisions of the said Will, in as full and ample a manner as if the whole of the executors had qualified and concurred therein; and further, to convey agreeably to any bond or instrument of writing given by his father for any lands sold and covenanted to be conveyed by him; in all such cases incorporating by recital, the bond or instrument of writing and also causing the same to be recorded in the clerk's office of the county of Breckenridge.

CHAP. DCXXXIX.

An ACT to repeal in part, an act entitled, "an act to amend an act regulating Taverns and restraining Tippling houses.

Approved, December 29, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all acts or parts of acts, which forbid any person or persons from retailing of Cider or Beer without license is, and the same is hereby repealed.

CHAP. DCXL.

An ACT to compensate John Sterrett for surveying the road from Bowling-Green to the mouth of Clover creek on the Ohio River.

Approved, December 29, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of fifty dollars be, and the same is hereby allowed to John Sterrett, as a compensation for having surveyed the rout for a public road from the town of Bowling-Green to the mouth of Clover creek on the Ohio River, and the Auditor of public accounts is hereby authorized and required to issue his warrant in favour of the said Sterrett, upon the Treasurer for that amount.

CHAP. DCXLI.

An ACT incorporating the Harrodsburg Library Company.

Approved, December 29, 1823.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Priestly H. M'Bride, William Pawling, James H. Humphreys, Joseph Haskin, Jacob H. Sutfield, John Hanna,

Harrodsburg
library com-
pany incorpo-
rated.

Their powers Grant Allen, Ellis Corn, George L. Waugh, Archibald Woods, David Sutton and Samuel Hart, and the rest of the subscribers, who have subscribed or who may hereafter subscribe to the Harrodsburg Library Association, shall be a body politic and incorporate, by the name of "*the Harrodsburg Library Company*," and by that name shall have power to sue and be sued, implead and be impleaded, and to have and make use of a common seal.

Shareholders to elect directors annually. Sec. 2. The shareholders of the Harrodsburg Library, shall meet at their Library room in the town of Harrodsburg, on the first Saturday in April next, and every succeeding first Saturday in April at such place or places as they may appoint, for the purpose of electing nine persons as directors, all of whom shall be shareholders, and continue in office one year, who shall take an oath, faithfully and impartially to do their duties: *Provided*, that if no election takes place at any of the succeeding periods, the directors last in office shall continue until a meeting of the shareholders can be had, and a new board elected, which meeting shall be called by a public notice, posted up in the Library room at least thirty days before the appointed day of meeting: *Provided however*, that not less than fifteen shareholders shall have the power of electing directors as aforesaid; the mode of voting to be regulated by the directors.

Directors to take oath and term of service

Proviso.

To elect chairman and fill vacancies. Sec. 3. The directors so elected shall choose from among themselves, a chairman, and shall at all times have, hold, possess and exercise all the authority invested in them by this act, or the articles of the association; they shall have power to fill vacancies which may happen in their own body, whether occasioned by removal, death, resignation or refusal to act, and to call a general meeting of the shareholders, by public advertisement, whenever they may deem it necessary; and to make all necessary and proper bye-laws and regulations to govern the corporation, subject to the revision of the next general meeting, and not repugnant to the constitution and laws of this Commonwealth.

Make bye-laws.

Librarian, secretary &c. to be appointed. Sec. 4. The directors shall have power to make any contract for the use of the corporation, so as not to exceed the funds thereof, as well as to appoint a Librarian, Secretary, Treasurer, &c. fix their salaries, prescribe their duties and remove them from

office for misconduct; they shall likewise have the power of levying contributions, imposing fines and forfeitures, provided there shall be no fines or forfeiture, to a greater amount than the value of the share or shares of the delinquent. Fines may be imposed.

Sec. 5. The Harrodsburg Library Company shall have full power to recover all and any sums of money now due by any shareholder under the articles of subscription to the said Library, or which may hereafter become due to the said corporation, in the same manner as debts of the like amount are by law recoverable. Debts to be collected.

Sec. 6. Five of the directors shall be a quorum to proceed to business, and a majority of whom may determine any question. Five directors a quorum.

Sec. 7. There shall not be more than five hundred shareholders in the said corporation; the shares shall be transferable; and new shareholders admitted, under such rules and regulations as may be adopted by the directors, and all estates, rights, properties, privileges, debts and funds of every kind, now belonging to the said Library association, shall be vested in and belong to the said corporation. Number of shares limited.

Sec. 8. The said corporation shall and may lawfully possess such property as may be necessary for the purposes of the institution, whether real or personal, to any amount not exceeding five thousand dollars, exclusive of its books, maps, charts and philosophical apparatus. Corporation may hold property.

Sec. 9. The secretary shall keep a record of all orders, resolutions and proceedings of said corporation, which shall be received as evidence both for and against said corporation, in any matter of controversy wherein the corporation may be concerned. Duty of secretary.

Sec. 10. Any shareholder may, at any time withdraw from the corporation aforesaid, by entering upon the records of said corporation, before the secretary, a relinquishment of his share or shares, and by discharging all claims, which the said corporation may have on him under its bye-laws, and that until such relinquishment is made, every shareholder and his legal representatives, shall be responsible for the amount of all debts, fines or contributions arising under the bye-laws or regulations of the corporation. Shareholders may withdraw.

CHAP. DCXLII.

An ACT to amend "an act authorizing a Lottery, for opening a road from Beaver creek Iron works to Prestonsburg, and for other purposes."

Approved, December 29, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Edmund Wells, Peter Amyx, William Lewis, John Elliott and Francis Lewis, or any three of them, are hereby appointed and authorized to perform all the duties conferred on Joseph R. Ward, Edward Wells, David K. Harris, John S. Oakley, Samuel May, Robert Crockett, Francis Lewis, Adam Gayhart, John Hammond and Andrew Johnson, for the purpose of raising by way of lottery fifteen hundred dollars, for opening a road from Beaver creek Iron works, in Bath county, by the way of Edmund Wills' mill on Licking river, to Prestonsburg, in Floyd county, and be governed by the same rules and regulations as are prescribed in the act of one thousand eight hundred and twenty-two, to which this is an amendment.

New commissioners appointed.

To be governed by recorded act.

Sec. 2. *Be it further enacted,* That it shall and may be lawful for said managers to receive any donation, or donations, from any person or persons, and apply the same to the opening of said road.

May receive donations.

Sec. 3. *Be it further enacted,* That it shall and may be lawful for James H. M'Laughlin, John W. S. Moore, James P. Caldwell, John F. Henry, Michael W. Hopkins, Thomas W. Raleigh and Strother J. Hawkins, or a majority of them, to raise by way of lottery any sum not exceeding three thousand dollars, after deducting the necessary expenses of managing and drawing one or more classes, as to them may seem expedient.

Com'rs. to conduct a lottery.

Sec. 4. That said James H. M'Laughlin, John W. S. Moore, James P. Caldwell, John F. Henry, Michael W. Hopkins, Thomas Raleigh and Strother J. Hawkins, or a majority of them, shall give bond in the penalty of six thousand dollars, with approved security, in the Christian county court, conditioned for the payment of each and every prize in said lottery, according to the scheme or schemes which they may make and publish: which bond may from time

To give bond.

Condition thereof.

to time be put in suit by the holder of any prize May be sued. ticket which may remain unpaid.

Sec. 5. That each and every drawing of said lottery shall be had in the presence of two justices of the peace of Christian county. And each and every clerk and agent engaged in drawing said lottery shall take an oath to act faithfully and impartially in the discharge of the duties of his appointment

Sec. 6. That the said managers shall pay over to such persons as the said company shall, by vote, appoint treasurer, the nett proceeds of any class or classes in said lottery, within sixty days after the drawing shall be completed, and shall be bound to exhibit before commissioners a true state of the situation of said lottery, which the county court of Christian are hereby authorized to appoint, upon the motion of the chairman of said managers.

CHAP. DCXLIII.

An ACT to prescribe the duties of the Judges of the Court of Appeals, and for other purposes.

Approved, December 29, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in future it shall not be the duty of the court of appeals to deliver written opinions in cases involving matters of fact only, or principles of law previously settled by said court; but it shall be sufficient for said court to state the principle or principles upon which the case may be determined, and to refer to the case or cases in which the said principle or principles may have been recognized.

Court not to deliver written opinions on cases involving matters of fact or principles of law already settled.

Sec. 2. *Be it further enacted,* That it shall hereafter be the duty of said court to deliver written opinions on all motions made in said court which settle any principle of law or rule of practice not previously settled by said court and reported.

To deliver written opinions on motions involving principles of law, &c. not before decided on.

Sec. 3. *Be it further enacted,* That the reporter of the decisions of said court shall report the decisions thereof given previous to the period at which the present reporter commenced, and not reported by his predecessors; which reports shall be subject to the laws now in force.

Reporter to report opinions omitted by his predecessors.

Orders of publication against non-resident defendants in said court, may be inserted in any legally authorized news-paper published in this state.

Sec. 5. Hereafter it shall not be necessary to spread at length the written opinion of the court, delivered in any case, on the order book of the clerk, but the mandate only, which shall be certified to the clerk of the court below, shall be entered upon the record.

Sec. 6. The judges shall deliver over to the reporter their original opinions, and as soon as they are published, such originals shall be re-delivered by him to the clerk, to be filed with the records to which they severally belong.

CHAP. DCXLIV.

An ACT more effectually to suppress gaming.

Approved, December 29, 1823

Penalty for keeping bank or gaming table.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, if any person or persons shall set up or keep any gaming table, at which the game of faro, equality or any other game of chance, shall be played for money or any other thing, or shall keep any bank and induce or permit any person or persons to bet any money or any other thing against the said bank or game, each and every person so offending, for every such offence, shall be fined the sum of five hundred dollars, and costs, and shall be imprisoned in the jail of the county, until the fine and costs are paid.

For permitting gaming table in house or lands.

Sec. 2. *Be it further enacted,* That hereafter, if any person or persons, shall suffer or permit any gaming table, (except billiard table,) or bank at or on which any game of chance whatever, shall be played for money or for any other thing to be set up or kept in his or her house, or in a house he or she at the time hath the use and possession, or in any out-house, booth, arbor or other place within the messuage, tenement or inclosure, each and every person so offending, for every such offence, shall be

And the sum of two hundred and fifty dollars and costs, and shall be imprisoned in the jail of the county, until the fine and costs are paid ; *Provided*, that after proof of any such playing at any such house or place, the onus probandi, that it was without the knowledge and permission of such owner and occupier, shall lie on him ; and *Provided*, if such owner be a Tavern keeper, he shall forfeit his license and shall never be licensed again and fined double. Provide.

Sec. 3. *Be it enacted*, That the fines imposed by this act, shall be recovered by indictment, and any person indicted under it, shall be held to bail in the sum of six hundred dollars, and any persons offending against this act, shall be proceeded against by warrant and examination, before two justices of the peace, and shall be committed or held to bail in the manner pointed out for the apprehension of persons charged with felony. Fines how to be recovered, &c.

Sec. 4. *Be it enacted*, That all laws subjecting any person to confinement in the Penitentiary house of this Commonwealth for gaming or for setting up or keeping a gaming table or bank, and all laws rendering it infamous to bet against any bank or at any gaming table be, and the same are hereby repealed. Laws indicting confinement repealed

Sec. 5. *Be it enacted*, That if any person shall institute a prosecution under this act, and enter himself prosecutor at the foot of the indictment, and stand responsible for the costs, he shall be entitled to one moiety of the fine, and that any prosecuting attorney who shall prosecute any person to conviction, under this act, shall be entitled to twenty-five per cent on the amount of such fine that shall be collected. Allowance to prosecutor.
To any prosecuting attorney.

This act shall commence and be in force from and after the first day of May next. Commencing clause.

CHAP. DCXLV.

An ACT to repeal all laws which give the right of replevy to officers and attorneys at law, who officially collect money, and refuse to pay over the same; and for other purposes.

Approved, December 29, 1823.

Execution on judgment against an officer or attorney at law who has collected money, to be collected without replevin.
 Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in future when any judgment is rendered against any officer of this commonwealth, or attorney at law, for money which he shall have collected as an officer or attorney, execution may issue on said judgment as in other cases; and the officer who issues the same, shall endorse on said execution, that "No security of any kind is to be taken."

Duty of officer into whose hands such execution may come.
 Sec. 2. *Be it further enacted,* That the officer into whose hands said process may be placed, shall proceed to collect the amount thereof, and shall not permit the defendant to replevy, nor shall he sell the defendant's property on a credit as in other cases; but in case a sale be requisite, it shall be for ready money.

When judgment is rendered, &c.
 Sec. 3. *Be it further enacted,* That when judgment is rendered in any such case, it shall be the duty of the officer who draws up the record of such judgment to note at the bottom of said judgment the ground of action, so as to furnish the information, by which the endorsement aforesaid may be made.

Right to replevy repealed.
 Sec. 4. *Be it further enacted,* That the right to replevy in the clerk's or magistrate's office in the aforesaid cases, is hereby repealed.

When bank paper is received officially by such officers, and not paid over, the judgment against such officer to be for the value thereof in specie.
 Sec. 5. *Be it further enacted,* That in all cases in which an officer may, by the directions of the plaintiff, his agent or attorney, or in pursuance of the requisitions of law, have collected or shall hereafter collect any bank paper by virtue of an execution, order of sale or other process, and shall be proceeded against by motion or otherwise for the same; that the court before whom such claim may be asserted against such officer or attorney at law, shall scale the amount so received by the value thereof in specie, at the time the same was legally due and demandable from such officer or attorney at law; and

should either party request it, the court shall direct a jury to be empannelled, for the purpose of ascertaining the value of such paper in specie; for which judgment shall be rendered, with interest or without damages as heretofore.

Sec. 6. *Be it further enacted*, That all the provisions of this act in relation to officers, so far as the same may be applicable, shall apply to and govern the collection of money from an agent, who has actually received money or bank paper for his principal.

Provisions of this act to apply to agents collecting money for their principals and refusing to pay the same.

CHAP. DCXLVI.

an ACT to fix the ratio, and apportion the representation for the ensuing four years.

Approved, December 23, 1823.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the ratio for the ensuing four years shall be eight hundred and sixteen voters for each representative; and the representation for that period shall be, and the same is hereby apportioned amongst the several counties in this commonwealth, for the House of Representatives, in the following manner, to-wit: The county of Adair shall be entitled to two representatives, Allen one, Bourbon three, Bath one, Barren two, Bullitt one, Breckenridge one, Boone one, Bracken one, Butler one, Clay and Perry one, Caldwell one, Clarke two, Campbell one, Christian one, Cumberland one, Casey one, Daveiss one, Estill one, Fayette three, Floyd and Pike one, Fleming two, Franklin two, Grayson one, Greenup one, Garrard two, Green two, Gallatin one, Grant one, Hardin two, Harrison two, Henry two, Henderson one, Hopkins one, Hickman and Calloway one, Harlan and Knox one, Hart one, Jefferson three, Jessamine one, Lincoln one, Logan one, Livingston one, Lewis one, Lawrence and Morgan one, Madison three, Mason two, Mercer three, Muhlenburg one, Montgomery two, Monroe one, Nelson two, Nicholas two, Ohio one, Owen one, Pendleton one, Pulaski two, Rockcastle one, Scott two, Shelby three, Simpson one, Trigg one, Todd one, Union one, Wood-

Ratio fixed:

Representation apportioned in H. of Representatives.

ford two, Warren two, Wayne one, Washington three, and Whitley one.

Representa-
tion in Senate
apportioned
among the se-
veral counties

Sec. 2. For the purpose of apportioning the representation in the Senate, this state shall be and the same is hereby laid off into thirty-eight Senatorial districts; as follows, to-wit: The counties of Adair and Casey shall compose the first; Cumberland and Monroe the second; Barren the third; Allen and Warren the fourth; Logan and Simpson the fifth; Butler, Grayson and Muhlenburg the sixth; Hopkins, Henderson and Union the seventh; Hickman, Calloway, Livingston and Caldwell the eighth; Trigg, Christian and Todd the ninth; Ohio, Daveiss and Breckenridge the tenth; Green and Hart the eleventh; Hardin and Bullitt the twelfth; Jefferson the thirteenth; Henry the fourteenth; Shelby the fifteenth; Washington the sixteenth; Mercer the seventeenth; Garrard the eighteenth; Lincoln and Rockcastle the nineteenth; Madison the twentieth; Pulaski and Wayne the twenty-first; Knox, Harlan, Clay, Perry and Whitley the twenty-second; Nelson the twenty-third; Boone and Campbell the twenty-fourth; Grant, Pendleton and Gallatin the twenty-fifth; Franklin and Owen the twenty-sixth; Scott the twenty-seventh; Harrison the twenty-eighth; Bracken and Nicholas the twenty-ninth; Bourbon the thirtieth; Mason the thirty-first; Greenup, Lewis and Lawrence the thirty-second; Fleming the thirty-third; Montgomery and Estill the thirty-fourth; Clarke the thirty-fifth; Woodford and Jessamine the thirty-sixth; Bath, Morgan, Floyd and Pike the thirty-seventh; and Fayette the thirty-eighth.

Mode of and
time when
the polls to
be compared
by sheriffs.

Sec. 3. In order to ascertain the polls where two or more counties compose a senatorial district or districts to elect a representative, the sheriff of such counties shall meet at the court house first named in such district, either in choosing a senator or representative, to compare the polls, on the first Monday after the commencement of the election; and having ascertained by faithful comparison and addition, the amount of their respective polls, and shall make return of the persons elected, in the manner prescribed by law: *Provided however*, that when a writ of election may be issued by either branch of the General Assembly, or by the Governor, on an earlier day

Proviso.

may be ordered in such writ for comparing the polls, if it should be deemed expedient.

Sec. 4. If any new county shall be established before the next enumeration and apportionment of representation, it shall be considered as a part or parts of the county or counties from which it was taken, for the purpose of representation.

New counties established before next apportionment, to vote with the county from which they were taken, for representation, &c.

CHAP. DCXLVII.

An ACT for the relief of Thomas Hughes, sheriff of Bourbon county.

Approved, December 29, 1823.

WHEREAS it is represented to the General Assembly, that Thomas Hughes, sheriff of Bourbon county, owing to the failure of one of his deputies, has been unable to collect the revenue due in one of the districts in said county; in consequence of which it is represented, that there remains due of the public revenue, from the citizens of said district, the sum of five hundred and thirty-four dollars and fifty nine cents. And it is deemed reasonable and just that further time be allowed to said Hughes, to collect, account for, and pay into the public treasury, the sum aforesaid: Therefore,

Recital

Be it enacted by the General Assembly, That the further time of four months be, and the same is hereby allowed to the said Hughes from and after the passage of this act, for the purpose of enabling him to collect and pay into the public treasury the said sum of five hundred and thirty-four dollars and fifty-nine cents, on condition of his paying into the public treasury the balance of the sum due from said county on account of the revenue, according to the laws in force on that subject.

Further time to collect and pay revenue.

CHAP. DCXLVIII.

An ACT for the benefit of certain Sheriffs.

Approved, December 29, 1823.

Recital.

WHEREAS it is represented to the present General Assembly, that the sheriff of Livingston county, owing to sickness of himself and deputy, has not been able to collect the revenue tax for said county for the year 1823, in the time prescribed by law : Wherefore,

Livingston
sheriff further
time to col-
lect tax.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said sheriff of Livingston county shall have until the first day of April next, to pay into the public treasury the balance of the revenue tax for the year 1822, due from the county of Livingston ; and upon the said sheriff making such payment into the treasury by the time aforesaid, he shall be free from the damages or interest imposed by law on sheriffs for failing to pay the revenue tax into the public treasury. And the said sheriff shall have the time of four months from and after the passage of this act, to make out and have his list of delinquents and insolvents certified to the auditor of public accounts.

Franklin
same.

Sec. 2. The sheriff of Franklin county shall have until the first day of April next, to pay into the public treasury one half of the revenue tax for the year 1822 : and the sheriff shall have until said time, to make out and return a list of delinquents of all persons residing in said county.

Recital.

Whereas it is represented to this General Assembly, that in consequence of extreme indisposition of the deputy for John Grissom, sheriff of Adair county, the collection of the revenue collectable in 1823 has not been completed and paid into the public treasury, and so far as the collection has been made the same has been paid into the treasury : Therefore,

Adair same.

Sec. 3. *Be it further enacted,* That the said John Grissom, the present sheriff of Adair county, be allowed until the first day of June, 1824, to pay into the public treasury the balance of the revenue which by law he is bound to pay in the year 1823.

Former act re-
vived.

Sec. 4. That the third section of an act, entitled "an act for the relief of certain sheriffs," approved

December 6th, 1822, be and the same is hereby revived and continued in force until the first day of January, 1824.

CHAP. DCXLIX.

An ACT for the benefit of Herbert G. Waggener late Sheriff of Adair county.

Approved, December 3, 1823.

WHEREAS, it is represented to this General Assembly, that Herbert G. Waggener late sheriff of Adair county, failed to return his delinquent list for revenue of 1821, collectable in 1822, to the Auditor in the time prescribed by law, amounting to thirty three dollars, fifty nine cents, although the same had been presented to, examined and allowed by the county court of Adair, and the Auditor refused to allow said sheriff a credit therefor, and that the sheriff was compelled to pay the aforesaid amount into the public Treasury : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of public accounts be, and the same is hereby directed to issue a warrant on the Treasurer in favor of said Herbert G. Waggener, for the sum of thirty-three dollars fifty-nine cents to be paid out of any money in the Treasury not otherwise appropriated.

CHAP. DCL.

An ACT for the benefit of James M. Pike.

Approved, January 1, 1824.

WHEREAS, by an act of the last session of the General Assembly, Robert S. Todd, Richard H. Chinn, William A. Leavy, Robert R. Barr and John C. Richardson were authorized to raise by a scheme of lottery, any sum not exceeding twenty-five thousand dollars ; and whereas, it is represented to the General Assembly that the said commissioners agreed to let James M. Pike have the first

class of thirty-two thousand dollars at ten per cent, and that said James M. Pike has been able to sell but a part of the tickets and is therefore unable to proceed further with said class, unless the commissioners will take of him the said ten per cent in tickets, which they are willing to do, but are doubtful of their power, and have petitioned the Legislature to ratify their agreement with said Pike to accept of tickets in said class, instead of money, and which it is further represented to the General Assembly that the medical college, for whose benefit said scheme was granted, are desirous that the arrangement should be made: For remedy Whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the said commissioners to make the arrangement with the said James M. Pike, and to accept of the tickets in place of the money and also to make such other and further stipulations relative thereto as shall be deemed right and proper, between the parties, having first obtained the assent of the members of the medical college or a majority of them.

CHAP. DCLI.

An ACT for the benefit of Peter Breeding and others of Casey county.

Approved, January 1, 1824.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Peter Breeding of the county of Casey is in extreme indigent circumstances, having no species of property, and is moreover old with a large family depending on him for a support, which renders it out of his power to afford them much aid, in his poor and distressed situation: Therefore,

Recital.

Donation of
50 acres made
to P. Breeding.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land-Office be, and he is hereby authorized and directed, on application of the said Peter Breeding, to issue a land warrant to him for fifty acres of land without the state price being paid for the same,

which warrant may be located on any waste or unappropriated land in the county of Casey and a patent shall issue as in other cases, without fee.

And it is further represented, that Polly Sandefur is left poor and helpless, with four small children, and that her husband William Sandefur has forsaken her for six years, and has not been heard of by her : Therefore,

Sec. 2. *Be it further enacted*, That the Register of the Land-office be, and he is hereby directed to issue a land warrant in favour of the said Polly Sandefur for one hundred acres of land; without the state price being paid thereon, which warrant may be located on any waste and unappropriated land in the county of Casey, and a patent shall issue as in other cases, without fee.

And it is further represented, that William Edens Senr. a soldier of the revolution, has failed in his application for a pension, and is moreover very old, poor and has a helpless family depending on his labour for a support ; Therefore,

Sec. 3. *Be it enacted*, That the Register of the Land-office is hereby authorized to issue to the said William Edens Senr. a land warrant for fifty acres of land without the state price being paid for the same, which warrant may be located on any vacant or unappropriated land in the county of Casey ; and on the return of the plat and certificate of survey, a patent shall issue as in other cases, without fee.

And it is further represented that Gaithus Fox is a very poor old man, with a large family depending upon him for a support, which he is unable to relieve in his present poor and distressed situation, and is an object of charity : Therefore,

Sec. 4. *Be it enacted*, That it shall be the duty of the Register of the Land-office to issue a land warrant in the name of the said Gaithus Fox for fifty acres of land, which warrant may be surveyed on any vacant land in the county of Casey, and on the return of the plat and certificate of survey, a patent shall issue as in other cases, without fee.

CHAP. DCLII.

An ACT to correct an accidental variance in the books of the Auditor and Treasurer.

Approved, January 1, 1824.

Recital.

WHEREAS by an act providing for paying the Commissioners under the compact with Virginia, passed at the last session of the Legislature, the Treasurer was directed to pay over to Henry Clay and John Rowan Esq's. the sum of six thousand dollars in specie, without requiring the Auditors warrant; and the Treasurer to procure the specie had to give at the then rate of exchange, the sum of eleven thousand and fifty-four dollars and eleven cents in bank paper; and as the Auditors books take no notice of this transaction, and no credit is entered in favour of the Treasurer for this payment which he actually made and to which he is entitled: Therefore,

Auditor to credit Treasurer on his books with a certain sum of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor shall be, and is hereby directed to enter on his books a credit in favour of the Treasurer for the said sum of eleven thousand and fifty-four dollars and eleven cents.

CHAP. DCLIII.

An ACT for the benefit of the devisees of John Thrus-ton deceased.

Approved, January 1, 1824.

Preamble.

WHEREAS, it is represented to this General Assembly, that Robert Cowne of Culpepper county in the state of Virginia, was entitled to four thousand acres of land for his services as captain in the line of said state to-wit: One thousand acres, part of a military warrant No. 158, beginning at the little rock lick on the west side of Pittmans creek, waters of Cumberland River, running down the creek 400 poles when reduced to a straight line, thence eastwardly at right angles for quantity—also, one thousand acres, part of a military warrant, No. 158, beginning at Alexander M'Roberts entry No. 216,

on Russells creek at his upper corner and running up the creek 400 poles, when reduced to a straight line, thence at right angles from the general course of the creek for quantity—also, one thousand acres on part of a military warrant No. 158, beginning at the south-east corner of John Tufmans entry of one thousand acres No. 217 extending east 400 poles, thence north and parrallel with Tufmans line, at right angles for quantity—also, one thousand acres, part of a military warrant No. 158, beginning at the south-west corner of Michael Peraults entry No. 518, running with said Peraults upper line to the end thereof, thence at right angles and binding on older entries on Mayfield creek for quantity ; and whereas 550 acres of said second mentioned entry has been surveyed and carried into grant, and the patent therefor has issued to the said Robert Cowne, and that the said Cowne did on the 29th day of June in the year 1798, for value received, sold the said lands to John Thruston and by writing under his hand and seal of that date, directed the patents therefor to issue to said John Thruston, and that the said Thruston, shortly after the execution of said writing, departed this life, having made his last Will and Testament, in and by which he devised said lands to his five sons, Thomas W. Thruston, Charles M. Thruston, Alfred Thruston, Lucius F. Thruston and Aljenon S. Thruston ; and it being also represented to this General Assembly that the said Robert Cowne is, and always was a nonresident of this Commonwealth, and that he has never listed said lands or any of them for taxation according to law, and that they have thereby become forfeited to this Commonwealth, and all the right of said Cowne thereto.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That all the right, title, interest and claim of this Commonwealth, in and to said before mentioned lands, or any of them be, and the same is hereby vested in the before mentioned devisees of the said John Thruston, their heirs and assigns forever, upon condition, nevertheless, that the said devisees shall pay into the Treasury of this Commonwealth, the tax now due thereon ; *And provided nevertheless,* that this act shall not be so construed as to alter, change or in any way effect the equity or rights of the par-

Right of the
state relin-
quished.

Provided.

Provide.

ties, growing out of the sale made by said Robert Cowne to the said John Thruston : *Provided*, that nothing in this act contained, shall effect the rights of actual settlers on the land, under titles, or the rights of any other persons.

CHAP. DCLIV.

An ACT for the benefit of the heirs of Philip Buckner, deceased.

Approved, January 1, 1824

Recital.

WHEREAS, it is represented to the satisfaction of the present General Assembly, that Philip Buckner deceased, in his life time, to-wit : on the 20th of November 1804, purchased at a sale of non-residents lands, made by the Register of this Commonwealth, in pursuance of the laws then existing, the whole of a tract of land belonging to Reuben Coutts, lying and being in the county of Bracken, and on the waters of Locust creek, entered, surveyed and patented in the name of Philip Buckner, for the sum of nineteen dollars, thirty-one cents and nine mills, being the tax and costs due thereon for the year 1802 and 1803, containing 5,355 acres, for which, on the 34th of February 1808 a deed issued from the Registers office to said Philip Buckner for the same, which deed has been lost and has not been recorded.

And whereas it is also represented to the satisfaction of the General Assembly, that the said Philip Buckner departed this life, having by his last Will and Testament, duly proven and recorded in the Bracken county court, devised the said lands to John Buckner, Thomas Buckner, Susan Orr and Samuel Buckner, the first of whom has transferred his interest therein to the said Thomas Buckner, and that the interest of the said Samuel Buckner has been purchased by a certain John Payne : Therefore,

Register to
make a certain
deed

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land-office be, and he is hereby authorized and directed to make a deed of conveyance to the said Thomas Buckner, Susan Orr and John Payne

for said tract of land; at the proper costs and charges of said grantees, which deed when made and recorded in the Bracken county court, general court or court of appeals, shall convey all the estate, right, title, interest, claim and demand which the said Philip Buckner had or might have had by virtue of said purchase, had the said deed before mentioned as executed on the 24th of February 1808, been legally acknowledged and recorded; leaving nevertheless the rights of all parties herein concerned, as though the aforesaid deed had been regularly recorded.

CHAP. DCLV.

An ACT to amend the law concerning Ferries.

Approved, January 1, 1824.

Sec. 1. *Be it enacted by the General Assembly,* That the penalty of five pounds, given by the eighth section of an act passed at the November session, 1796, and entitled, "an act to reduce into one the several acts respecting the establishment of ferries," and also the penalty which is given by the seventh section of an act passed at the November session 1806 and approved the twenty-second December 1806 and entitled, "an act to amend and reduce into one the several acts respecting the establishment of ferries," shall be recoverable before any justice of the peace of the county in which the offence for which the penalty is inflicted may happen: *Provided* however, that if either party feels aggrieved by the judgment of such justice of the peace, such party may have an appeal to the circuit court of said county, upon the same conditions and limitations that appeals are now granted from judgments of justices of the peace to the circuit courts.

Certain penalties to be recovered before justices.

Provided.

County court may alter rates of ferriage.

Sec. 2. The county court in each county in which a ferry or ferries may have been established or may hereafter be established, a majority of the justices being on the bench, shall be, and is hereby empowered and authorized, from year to year, if it be deemed proper and expedient, to alter, modify and change the rates of ferriage, allowed at any ferry or ferries established in such county, the owner or pos-

essor of such ferry or ferries being first summoned ten days before the meeting of the court to shew cause, if any, why such alteration shall not be made.

Recital.

And whereas it is represented to the present General Assembly, that the establishment of a ferry across the Ohio River at Portland in Jefferson county, from the land of William L. Todd, would be a public convenience : Wherefore,

A ferry established across the Ohio river at Portland.

Sec. 3. A ferry across the Ohio River to the shore on the opposite side be, and the same is hereby established on the lands of William L. Todd, in the county of Jefferson, at a point immediately opposite to the brick ware-house in Portland, known as the ware-house of Vernon and Blake, and adjoining the street which leads to the wharf built by W. F. Peterson and company.

Boats &c. to be kept to transport passengers.

Sec. 4. The said William L. Todd, his heirs and assigns shall keep the requisite crafts for the transportation of passengers, waggons, carriages, &c. in good order, and shall attend to the same according to the rules and regulations now in force in relation to ferries across the Ohio River, in this Commonwealth, and shall charge and receive the same fees for transportation, now allowed by law for the like services at Fontains and Shrieves ferries across the Ohio River.

Proprietor to give bond.

Sec. 5. The privileges granted to the said William L. Todd, by this act, shall commence upon his giving bond with approved security, in the county court of Jefferson county, conditioned according to law.

CHAP. DCLVI.

An ACT for the relief of the representatives of John Bacon, deceased.

Approved, January 2, 1824.

Recital.

WHEREAS it is represented that the late John Bacon, about the year one thousand eight hundred and three, became the security of Philip Caldwell in a bond executed by him in suing out a writ of error coram vobis, in the General Court; that upon the trial of the writ of error, the General Court

pronounced judgment for the said Caldwell, and thereby released him, and of course the said Bacon from all liability upon the said bond; that the said Caldwell was, at the time of executing the said bond, in good and solvent circumstances; that the said judgment of the General Court was obviously erroneous; that it was, notwithstanding, acquiesced in by the attorney general for many years, until the said Caldwell became insolvent, which was long after the judgment of the General Court, and left the state; that a writ of error was prosecuted against the said Bacon, and the judgment of the General Court, whereby he had been absolved, reversed, and he thereby made liable to the government for the amount of its original claim against the said Caldwell; that the said Caldwell and the said Bacon in the mean time departed this life—the former entirely insolvent, and the latter in but moderate circumstances, leaving several children. It is further represented, that the representatives of the said Bacon have paid all costs, including the attorney's fees, amounting to about three hundred dollars. And it is thought reasonable and equitable, that the government, under the circumstances, should release the representatives of the said Bacon from all liability under their said bond and judgment:—Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the representatives of the said John Bacon be, and they are, hereby released from all liability upon the bond and judgment aforesaid.

Released from the payment of a judgment against them.

CHAP. DCLVII.

An ACT for the benefit of the administrators of Rezin Clubb, deceased.

Approved, January 2, 1824.

WHEREAS, it is represented to the present General Assembly, that Rezin Clubb, formerly of this state, but at the time of his death a citizen and resident of the state of Illinois, died intestate, and that his widow Nancy Clubb, and Samuel Clubb duly

Recital.

obtained letters of administration in the proper court of the state of Illinois on his estate, and have, according to the laws of that state, duly executed bond with approved security. And whereas it further appears, that the legislature of Illinois have, in consequence of it appearing to them that it was the request of the said Rezin Clubb that his money should be laid out in lands in the state of Illinois for the benefit of his children, passed an act authorizing the said administrators to so invest any money (after paying debts,) which shall come to their hands to be administered, in lands in said state. And whereas it further appears, that the said Rezin Clubb left in this state sundry judgments and claims uncollected, and doubts are entertained as to the validity of the letters of administration granted in the state of Illinois, to enable his administrators to collect, sue for and prosecute by due course of law, any such claims in this state :

Adm'rs. of decedent not required to administer on his estate in this state, &c.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the said administrators of Rezin Clubb to sue for and recover, and to issue any writs of execution or other process, in the courts of the commonwealth, for the collection of any debts which may be due to them as administrators of the said Rezin Clubb; and that their letters of administration granted as aforesaid, shall, to all intents and purposes, have the same effect as if they had been granted by the proper court in this commonwealth,

CHAP. DELVIII.

An ACT for the benefit of Ryland T. Dillard, and others.

Approved, January 2, 1824.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Ryland T. Dillard, Daniel Curtis, Thomas Hort, James M'Cown, Robert Caldwell and John Simpson, be, and they are hereby entitled to draw from the treasury, out of any money therein not otherwise appropriated by law, the sum of one hundred dollars, (six-

Appropriation to them.

ty dollars thereof to be drawn by said Dillard, Curtis, Hort, and M'Cown, and forty dollars thereof by Caldwell and Simpson;) it being the reward to which they are entitled for the arrest of John Kees; who escaped from the penitentiary of this state; and that the auditor of public accounts be and he is hereby directed, upon application, to issue his warrant upon the treasury for the same,

CHAP. DCLIX.

An ACT for the benefit of Trevor, Paul & Co.

Approved, January 2, 1824.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts shall issue a warrant on the treasurer in favour of Trevor, Paul and Company, of the state of Pennsylvania, for the sum of five thousand six hundred and nine dollars, for Iron furnished the penitentiary institution; said sum of money to be paid in specie, out of any fund in the treasury not otherwise appropriated: *Provided,* that the treasurer is authorized to pay the claim in notes on the Bank of the Commonwealth at a fair exchange, not exceeding two for one.

CHAP. DCLX.

An ACT to regulate the issuing executions.

Approved, January 2, 1824.

WHEREAS the present existing laws regulating proceedings in civil cases, and on executions, are beneficial to creditors as well as debtors, by preventing inordinate sacrifices of property, whereby one creditor would, but for the existing system, take away the means of the debtor from his other creditors, and leave the debtor in ruin and despair: **Therefore,**

Sec. 1. *Be it enacted by the General Assembly of the*

Commonwealth of Kentucky, That all laws which authorize the issuing of any execution upon any judgment or decree of any court or justice of the peace within this commonwealth, or which authorize proceedings on any execution, otherwise or in any manner contrary to an act entitled "an act to abolish imprisonment for debt, and subject equitable interests to execution," approved December seventeenth, one thousand eight hundred and twenty-one, or in any other manner, or contrary to another act entitled "an act to amend an act to regulate endorsements on executions"—approved December twenty-first, one thousand eight hundred and twenty one, shall be and the same are hereby repealed: *Provided however,* that this act shall not be construed to extend to, or in any wise affect the provisions of an act entitled "an act to amend an act regulating endorsements on executions," approved December seventh, one thousand eight hundred and twenty-two: *And provided also,* that this act shall not be construed to extend to executions issued upon judgments obtained against sheriffs or other officers, or attorneys at law for official defalcations: *And provided also,* that nothing herein contained shall be construed to prohibit any court from issuing any writ of *elegit*, *habere facias possessionem*, or other writ of possession in real or mixed actions, or alter the time of returning executions, or the laws in relation to the time of advertising the place or manner of selling property *under executions* hereby authorized to be issued.

Sec. 2. Be it further enacted, That hereafter it shall be the duty of the commissioners who may, or have been appointed under an act entitled "an act to regulate endorsements on executions," approved December twenty-first, one thousand eight hundred and twenty-one, to value all property taken in execution under said act, when called on for that purpose, for its value in specie, and they shall be sworn accordingly.

Certain execution laws repealed.

Proviso's.

Commissioners to value property in specie.

CHAP. DCLXI.

An ACT to authorize the Surveyors of Harlan and Jefferson counties to transcribe certain books in their offices.

Approved, January 5, 1824.

WHEREAS it is represented to the present General Assembly, that previous to the erection of Harlan county, the surveyor of Knox county resided in that part of Knox, which on a division is included in Harlan, and that the erection of Harlan thereby vacated said surveyor's office, and that the same person has been appointed surveyor of Harlan county, and retains the surveyor's books of Knox previous to a separation, and has recorded numerous entries and surveys in said books, which have been made in Harlan since it was stricken from Knox: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the surveyor of Harlan may, and it shall be his duty to transcribe said books of entries and surveys, so far as the same were made previous to the erection of Harlan county, into another book or books, and deliver said transcripts to the present surveyor of Knox county within twelve months from the passage of this act. And the said transcript shall be considered as the original in the hands of the surveyor of Knox, and copies made out therefrom shall be entitled to the same credit as if taken from the original. The old books shall remain in the hands of the surveyor of Harlan, and be considered as the surveyor's books of said county, and copies made out therefrom by the surveyor of Harlan shall be legal evidence in all cases. The surveyor of Harlan shall be entitled to one and one-half cents for every twenty words included in said transcripts, to be computed and certified by the county court of Harlan, and paid out of the public treasury. Said court shall not grant said certificate until the surveyor of Knox has compared said transcript, and certified that it is correct. The surveyor of Knox shall be allowed five dollars for his trouble in comparing said transcript, to be paid out of the public treasury, upon his producing a certificate from the

Recital.

Surveyor of Harlan to copy his books of entries and surveys made previous to the establishment of the county, and to deliver them to surveyor of Knox.

Surveyors' compensation

Copies to be compared &c.

Compensation of surveyor of Knox.

county court of Harlan, that he has discharged said duty.

Recital.

And it is further represented, that there are several books in the office of the surveyor of Jefferson county, which owing to their being in a mutilated state, require to be transcribed : Therefore,

Entry books
in Jefferson
county to be
copied.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for the county court of Jefferson county, upon their own inspection, or other competent evidence, to order the surveyor of said county to transcribe the book containing the records of the original settlement and pre-emption certificates, and any others which may require it, to be done in a good substantial record book, or books, to be procured for that purpose at the expense of the public treasury. And it shall be the duty of the said county

To be compared with the
original.

court to appoint one or more commissioners, to examine and compare said transcript or transcripts with the original book or books, who shall certify that they have done so, which shall be recorded in such book or books, and that the same contains a

Copies there-
from declared
to be legal
evidence.

true and perfect transcript of the originals ; and in such case said transcripts, or copies therefrom, shall be legal evidence in all cases: That the surveyor

Compensation to sur-
veyor & com-
missioners.

of said county of Jefferson shall be entitled to one and an half cents for every twenty words contained in said transcript, to be compared and certified as aforesaid ; and the commissioner or commissioners appointed by the said county court shall be entitled to two dollars per day each, for examining and comparing said book or books ; the whole to be paid out of the public treasury as in other cases, upon the certificate of the county court of Jefferson, that said book or books have been procured, and that said services have been truly and faithfully performed, being produced to the auditor, who shall issue his warrant accordingly.

CHAP. DCLXII.

An ACT to regulate the toll of certain turnpike gates in this commonwealth.

Approved, January 5, 1824.

WHEREAS it is represented to the present General Assembly of the Commonwealth of Kentucky, that doubts exist as to the construction of the third section of an act establishing the turnpike road from Georgetown to Cincinnati: Therefore, Recital

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter it shall and may be lawful for the keepers of the toll gates on said road, to charge six and a fourth cents for each horse that may be attached to any waggon, carriage, cart, slide or sleigh that may pass said road. Rates of toll to be collected on the turnpike road from Georgetown to Cincinnati.

Sec. 2. *Be it further enacted,* That it shall and may be lawful for the owner of the gate next to Georgetown, to remove his said gate to any point between the crossings of Big Eagle creek, and the farm of Mr. Braden, now occupied by John C. Buckner: *Provided,* that if said gate shall be removed, all persons who work on the Mountain Island road, shall be exempt from toll in passing said gate. Removal of one of the gates authorized.

Sec. 3. *Be it further enacted,* That if the keepers of said toll gates shall charge more than they are by law authorized, they shall be subject to a fine of four dollars for each and every such offence, to be recovered by and for the use of the party aggrieved, before any justice of the peace for the county where said offence was committed. Penalty for charging more than is authorized.

CHAP. DCLXIII.

An ACT for the benefit of the heirs of Benjamin Culen, deceased.

Approved, January 5, 1824.

WHEREAS it is represented to the present General Assembly of the Commonwealth of Kentucky, that Josiah Wright and William Perkins, executors Recital

of the last will and testament of Benjamin Cullen, deceased, represent that in the life time of said Benjamin Cullen, he took up and surveyed in Warren county, sixty acres, part of four hundred acres of land granted to John Bright by Warren county court certificate, number one thousand four hundred and fifty; which survey of sixty acres has been paid in full, as is shewn by the auditor's certificate, and as there has been no transfer of the quietus known, nor can it be found among the papers of the decedent, it is presumed to be lost or mislaid, so as to prevent a patent to issue for said sixty acres of land, which will be detrimental to the devisees of Benjamin Cullen, deceased: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register is hereby authorized to issue a patent to the heirs of Benjamin Cullen, deceased, for said sixty acres of land.

The register to issue them a patent for certain lands.

CHAP. DCLXIV.

An ACT to authorize the Register to transcribe certain entries.

Approved, January 5, 1824.

Recital.

WHEREAS it appears to the present General Assembly, that the eleven books of original entries made in the section of country formerly embraced by the county of Fayette, are so mutilated that it is necessary to transcribe the same into new books:

The register directed to copy the original entry books of Fayette.

Allowance:

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register cause said entries to be transcribed into well bound books, in a plain and legible hand, and cause alphabets to be made out for said transcripts. And the Register is hereby allowed three hundred and sixty dollars for said services, to be paid out of any money in the treasury not otherwise appropriated.

To compare the copy with the original Copies therefrom declared legal evidence.

Sec. 2. *Be it further enacted,* That after said transcript is made out, the Register shall carefully examine and compare the same with the original, and correct all errors; after which the transcript shall be considered as the original, and copies therefrom shall be evidence in all cases: *Provided how-*

ever, that it shall be the duty of the Register of the Proviso. Land Office, in making out said copy, to take care to notice all erasures and alterations, which may appear on the original entry books, and in each case where the same shall appear, to represent it as nearly as it stands upon the original books as is practicable.

Sec. 3. *Be it further enacted*, That the above sum is in full for services and furnishing the books.

CHAP. DCLXV.

An ACT to amend an act for surveying the Military claims west of the Tennessee River.

Approved, January 5, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of one year, from and after the first day of January next, be allowed the surveyor of the said military lands to perform the duties required of him, by the first section of the said recited act. One year longer allowed to make surveys.

Sec. 2. *Be it further enacted*, That until the first day of March, one thousand eight hundred and twenty-five, be allowed to the claimants to return the plats and certificates of surveys upon the entries made upon military warrants before the first day of May one thousand seven hundred and ninety-two, west of the Tennessee River, any law to the contrary notwithstanding. Until 1st March 1825 allowed to return plat &c.

Sec. 3. *Be it further enacted*, That the said surveyor shall be allowed for every original survey, by him plainly bounded as the law directs, and for a plat of said survey, upon the delivery thereof, where the survey shall not exceed four hundred acres, the sum of five dollars, and for every survey which shall contain more than four hundred acres, at the rate of fifty cents for every one hundred acres contained in such survey; and for each chain carrier and marker employed by him, he shall be allowed a fee at the rate of ten cents for each one hundred poles. Surveyors fees.

Fees to chain carriers and markers.

CHAP. DCLXVI.

An ACT to amend the act to regulate endorsements on executions.

Approved, January 5, 1824.

In contracts for payment of bank notes or paper judgments may be rendered for the full amount.

If the plaintiff will, on the writ or warrant endorse his consent to take the same.

Executions on such judgment subject to a 3 months replevin only.

Executions on such replevy bond to be endorsed no security &c.

Jurisdiction of justices of the peace extended to contracts

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, in any suit depending upon any contract for the payment of notes of the bank of Kentucky or of the Commonwealth, or for the payment of the current paper of the state, such debt shall not be scaled by the court or justice of the peace, before whom such suit shall be determined, but judgment shall be given for the full amount of such debt, to be discharged by the paper of the bank of the Commonwealth or bank of Kentucky : Provided, the plaintiff or his attorney, at the calling or hearing of such suit, makes a written statement on the declaration or warrant, in substance, that he or she is willing to take notes on the bank of the Commonwealth of Kentucky in discharge of such debt ; and the clerk or other officer issuing execution upon such judgment, shall endorse upon such execution, that the officer may, in discharge of such execution, take notes on the bank of the Commonwealth of Kentucky ; and in such case the defendant or defendants shall be entitled to three months replevin only, by giving the officer bond and approved security to pay the plaintiff the amount of such debt, interest and cost, in the paper of the bank of the commonwealth of Kentucky, in three months, which bond shall be returned to the proper office ; and in case said bond is not discharged when the same becomes due, the clerk or justice of the peace, upon the application of the plaintiff, shall issue an execution for the amount of such bond, upon which the same endorsement shall be made, and that no security of any kind is to be taken by the officer collecting the same, and such officer shall be governed accordingly.

Sec. 2. Be it further enacted, That justices of the peace shall have jurisdiction on all notes, bonds or obligations for the payment of notes on the bank of the Commonwealth of Kentucky, bank of Ken-

tucky or the current bank paper of Kentucky, not exceeding fifty dollars; any law to the contrary notwithstanding. ^{for bank notes not exceeding \$50.}

CHAP. DCLXVII.

An ACT to repeal the law authorizing the establishment of a state road from Frankfort to Bowling-Green.

Approved, January 5, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act entitled, "an act to authorize the opening a state road from Frankfort to Bowling-Green," approved December 11, 1822 be, and the same is hereby repealed. ^{Former act repealed.}

Sec. 2. Where any change has been made from the old rout of any road, by the commissioners under said act, and the county courts have caused the same to be opened, such new rout shall be the county road until altered by the county court; and where damages have been assessed under said act, it shall be lawful for the county courts to discontinue such alteration and re-establish the old road, upon application of the owner or owners of the land when the alteration has been made, and relinquish to the county the damages assessed in his, her or their favour.

Proviso

CHAP. DCLXVIII.

An ACT to change the time of holding the circuit and county courts of Calloway county.

Approved, January 5, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court for the county of Calloway, shall hereafter commence on the fourth Mondays in February, May and November, and may sit six judicial days at each term, if the business shall require it; and all process that is or may be made returnable to the ^{Circuit courts when to be held.}

Thursday succeeding the second Monday in February next, shall be returnable to the fourth Monday thereof, which shall have the same force and effect as if returnable to the Thursday succeeding the second Monday thereof.

County courts Sec. 2. The county courts of said county shall be holden on the fourth Mondays in each month in which no circuit court is to be held, subject to the same rules and regulations as heretofore.

CHAP. DCLXIX.

An ACT for the benefit of Lydia Smith.

Approved, January 5, 1824.

Preamble.

WHEREAS, it is represented to the present General Assembly, that Lydia Smith is living on a poor tract of land in the county of Allen, granted to Henry Moore, upon a Warren county court certificate No. 254 in the year 1801 for 400 acres, upon which the first installment has been paid, and that the said Lydia is very poor and hath a large family of helpless children with little other means of support than the land on which she resides, and being wholly unable to pay the state price: Therefore,

How patent may issue.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the said Lydia Smith paying into the Treasury of the state the balance of the state price upon two hundred acres and producing to the Register the quietus therefor, the Register shall issue the patent on the whole four hundred acres, as though the whole of the state price had been paid.

CHAP. DCLXX.

An ACT for the relief of the Sheriffs of Lincoln and Jessamine counties.

Approved, January 5, 1824.

Recital.

WHEREAS, it has been represented to the present General Assembly, that John Duncan, one of

the deputy sheriffs of Lincoln county, has been prevented by sickness, from returning a list of insolvencies and delinquencies, within the time prescribed by law, and of paying into the Treasury the full amount of the revenue collectable by him, in the year one thousand eight hundred and twenty-three: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said John Duncan be allowed the further time of two months ^{Two months allowed sheriff of Lincoln} to return a list of the delinquencies and insolvencies in the revenue of said year and to pay the balance due from him into the Treasury.

Sec. 2. The sheriff of Jessamine county shall have the further time of sixty days, to pay into the Treasury the balance of the revenue of one thousand ^{60 days allowed sheriff of Jessamine.} eight hundred and twenty-two, which he has not already paid.

CHAP. DCLXXI.

An ACT to allow additional justices of the peace to the counties of Trigg and Garrard.

Approved, January 5, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Trigg shall be entitled to one justice of the peace in addition to the number now allowed by law, who shall reside in the town of Cadiz.

Sec. 2. *And be it further enacted,* That there shall be an additional justice of the peace added to the county of Garrard, who shall reside in the neighbourhood of the mouth of Paint Lick creek.

CHAP. DCLXXII.

An ACT for the benefit of Robert Davis.

Approved, January 7, 1824.

WHEREAS, it is represented to the present General Assembly, that Robert Davis of Casey county, Resides

is engaged in boring for Salt water, near the mouth of Carpenters creek, on Green River in Casey county, and the prospect of obtaining Salt water is flattering, and as there is contiguous to said prospect, some waste and unappropriated land of no value, other than for the timber, and he is desirous of appropriating some of said land to enable him to carry on Salt works in case he should be successful, and as it would be of great public benefit; and as this General Assembly is desirous to promote so laudable an enterprise,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Robert Davis be, and he if hereby authorized to cause to be surveyed in one or more surveys, any quantity of vacant and unappropriated land, not exceeding one thousand acres, within six miles of the place where the said Davis is now engaged in said enterprize, which said survey or surveys, the said Davis may cause to be made, at any time within one year from and after the passage of this act: *Provided however,* that the survey or surveys shall not include any actual and bonafide settler, with one hundred acres around said settler, leaving said improvement as near the centre of said one hundred acres as may be, and the said Robert Davis shall be allowed the term of two years from the making of said survey or surveys, to return the plat or plats and certificate of survey to the Registers office, and the Register shall issue patents thereon as in other cases, upon the said Davis paying ten dollars per hundred acres therefor, and producing a quietus.

Sec. 2. Be it further enacted, That after the said Davis shall make any survey or surveys, under the provisions of this act, the same shall be considered as the commencement of his title, and any survey or surveys made thereon by any other person or persons not authorized by this act, shall be null and void.

Authorized
to appropriate
1000 acres of
land in Casey
county for salt
works.

Proviso.

Title to com-
mence with
the date of
the survey:

CHAP. DCLXXIII.

An ACT to amend an act entitled, an act to open a road from Mountsterling to the Virginia line by the way of Prestonsburg and for other purposes.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Henry B. Mayo and Rodes Meed of Floyd county, and John Blevins of Pike county be, and they are hereby appointed commissioners, for the purpose of opening a road from Prestonsburg, Floyd county, to the Virginia line, agreeable to an act of the General Assembly, approved, December twenty-first one thousand eight hundred and eighteen; the said road to be at least thirty feet wide, to be cleared of fallen or standing timber or other obstructions therein, and made suitable and convenient for the passage of waggons and other carriages.

Commissioners appointed to open road agreeable to the act of 1818

Sec. 2. That said commissioners or a majority of them, shall as soon as practicable, proceed to let out the opening of said road, in lots or parcels as in their judgment may seem best, to any person or persons that may propose to undertake the same upon the best terms that can be had. The said commissioners having given notice for the space of thirty days, of the time and place of letting out said road, by advertisement at the court houses of Floyd and Pike and other public places in said counties—and the said commissioners are directed to require of the undertaker or undertakers, bond with sufficient security, for the faithful performance and fulfilment of their contract; which bond or bonds shall be made payable to the Commonwealth of Kentucky, and filed in the clerk's office of the county court of Floyd or Pike, in which the contract shall be made—and in case of failure on the part of said undertaker or undertakers, to perform their said contracts, or fulfil the condition of said bond or bonds, it shall be the duty of the attorney for the Commonwealth, for the circuit in which the parties may reside, upon the application of the commissioners or a majority of them, to commence suit on the bond or bonds, against the said undertaker or undertakers and their security or securities, and prosecute the same to

To let out the opening of the road.

To give notice thereof.

To take bond and security from undertakers.

Bond may be sued on for a breach of the conditions.

judgment for such damages as a jury may assess in the circuit court, where the defendant or defendants or any one of them may reside.

Commissioners to settle with county courts of Floyd and Pike.
 Sec. 3. That it shall be the duty of said commissioners, from time to time, as the work may progress and expenditures are made, to settle their accounts with the county courts of Floyd and Pike counties, settling with each of said courts for the work done in their respective counties, a certificate of which shall be furnished by the clerks of said courts, which shall be evidence for the commissioners in the settlement of their accounts with the Auditor of public accounts, as provided by this act.

To give bond and security in Floyd county.
 Sec. 4. That said commissioners shall on or before the first day of May next, give bond and security for the faithful performance of their duties, in the penalty of five thousand dollars, which bond shall be made payable to the Commonwealth of Kentucky, and said bond shall be filed in the clerks office of the Floyd circuit court, the security to be approved by the clerk of said court, and in case of failure on the part of said commissioners, to perform the duties assigned them by this act, the attorney for the commonwealth in said district, shall cause suit to be instituted on said bond, in the circuit court of Floyd, and prosecute the same to judgment, the damages to be assessed by a jury.

Bond may be sued on.
 Sec. 5. That to enable the said commissioners to perform their duties, that the Auditor of public accounts be directed to issue his warrant on the Treasury upon the application of the said commissioners or a majority of them, for the sum of \$2700, to be paid out of any money in the Treasury not otherwise appropriated, which money thus drawn from the Treasury, is to be used for the purpose of opening and clearing out said road, agreeably to the provisions of this act.

Commissioners to take oath.
 Sec. 6. *Be it further enacted.* That the commissioners appointed by this act, before they enter upon the duties of their office, shall take an oath, before some justice of the peace, that they will faithfully, to the best of their skill and judgment, perform the duties assigned them by this act. The commissioners hereby appointed, who shall perform the duties to them assigned, shall be entitled to the sum of one dollar and fifty cents per day, during the time they are actually employed; and on making satis-

factory proof of the length of time they shall have been employed, before the county court of Floyd or Pike county, the court shall certify the same to the Auditor of public accounts, who shall grant a warrant on the Treasury for the amount, which shall be paid accordingly. Their allowance and mode of paying them

Sec. 7. *Be it further enacted,* That so soon as said road is completed by said undertakers, and received by the Legislature, they shall proceed to appoint a commissioner, or commissioners for the purpose of erecting a turnpike, or turnpikes, as they in their wisdom may think best; and the proceeds arising therefrom shall be paid into the public treasury, and form a part of the revenue of this commonwealth. Commissioners to erect turnpike gates.
Tolls to form a part of the revenue of the state.

Sec. 8. *Be it further enacted,* That each and every person that is now compelled by law to work on said road shall render five days service, when called upon by said undertaker or undertakers, three days previous notice having been given; and any person or persons refusing to comply with the provisions of this act, shall be subject to the same fines and penalties as now are prescribed by law for failing to work on roads: *Provided however,* that no person or persons shall be compelled to work on any part of said road only that part that they are now compelled by law to work upon: *And provided further,* that where there is more than one person undertakes any section of said road, that a certain number of hands as is now compelled by law to work upon, the service to be rendered by those hands shall be equally divided between said undertakers. Persons now compelled to work on said road to render five days service thereon.
Penalty for failure or refusal.
Provide.

Sec. 9. *And be it further enacted,* That the undertaker, or undertakers, shall board and victual said hands while performing the services as required by this act. Undertakers to board hands &c.

CHAP. DCLXXIV.

An ACT for the benefit of Alexander Guffey.

Approved, January 7, 1824.

WHEREAS it is represented to this General Assembly, that a certain James Whitaker obtained a

Recital.

county court certificate, number two thousand four hundred and fifty, for two hundred acres of land in Logan county; that he assigned the same to Alexander Guffey, who had engaged early in life in the revolutionary war, and performed many important services on the frontier settlements of this state; that he is now old, infirm, and poor, and unable to pay the balance of the state price due on said land, the first installment only having been paid: Wherefore,

Register to
issue him a
patent for cer-
tain land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the balance of the state price on said land be remitted, and that the Register of the Land Office be, and he is hereby authorized to issue to the said Alexander Guffey a patent for said land, on the production of the auditor's receipt of the payment of the first installment on said land, on said certificate number two thousand four hundred and fifty.

CHAP. DCLXXV.

An ACT providing for opening a road from Franklin to Owensborough, on the Ohio river.

Approved, January 7, 1824.

Recital.

WHEREAS it appears that it would greatly conduce to the interest of the public, to cause a road to be opened from Franklin, in Simpson county, to Owensborough on the Ohio river, from which point the interior of the country could be more conveniently supplied with salt, iron, and other necessary articles, and from which it would be convenient to ship to foreign markets the produce of our country:—Wherefore,

Commission-
ers to view
and mark out
a way for the
road.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Davis Hardin of the county of Simpson, John Read of the county of Butler, John Barnett from the county of Logan, William Taylor of the county of Ohio, and Barna May of the county of Daviess, and they are hereby constituted commissioners, whose duty it shall be, or a majority of them, to view and mark out the best and most practicable way for a road

from Franklin in Simpson county, to Owensborough on the Ohio river, as aforesaid.

Sec. 2. *And be it further enacted*, That it shall be the duty of the several county courts, through which the road shall pass, at their next county court thereafter, or as soon as practicable, to lay off so much of said road as shall pass through their several counties, into convenient precincts, and appointing to each an overseer, and allowing to each overseer a sufficient number of hands to perform the necessary labour within his bounds. And it shall be lawful for each of said overseers, to give to all persons within his bounds a legal notice of the time and place of working on said road; and the said overseers and hands shall, in all other respects, be governed by the laws now in force in relation to working on roads. And it shall be the duty of said overseers to cause the said road to be opened thirty feet wide, the stumps well out, the banks of creeks, and other sideling places to be well dug, and all marshy places to be well coswayed so as to admit of a convenient passage of waggons.

County courts of the counties through which the road passes to lay off precincts, allot hands, and appoint overseers to open the same.

Overseers to give notice to hands, &c.

Sec. 3. *And be it further enacted*, That each of the commissioners so employed shall receive for his services one dollar and fifty cents for each day that he may be necessarily employed in the duty prescribed by this act. And the said commissioners appearing in any county court, and making oath to the number of days they have been employed, the same shall be certified by the clerk of said county court to the auditor of public accounts, upon whose warrant the same shall be paid out of any moneys in the treasury.

Allowance to commissioners.

To be paid out of the treasury.

CHAP. DCLXXVI.

An ACT to prevent the masters of vessels, and others from employing or removing persons of colour from this state.

Approved, January 7, 1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any master or commander of a steam-boat or other vessel; who shall hereafter hire, or employ, or take as passenger, or

Penalty for removing a coloured person from this state without permission of the master of such person, or evidence of his freedom.

Shall be liable to an action therefor, and the boat or vessel liable for the damages recovered.

otherwise, out of the limits of this state, or shall suffer to be hired or employed, or taken as passenger on board of such steam-boat or other vessel under his command or in his charge, or otherwise take out of the limits of this state any person or persons of colour; unless such coloured person or persons shall have in his or their possession, the record of some court of the United States, properly exemplified, proving his or their right to freedom; or unless such master shall have the permission of the master of such person or persons of colour for such removal, every such master or commander of a steam-boat or other vessel, shall be liable to indictment, fine and imprisonment, at the discretion of a jury, and shall moreover be liable in damages to the party aggrieved by such removal: and the steam-boat or other vessel in which such coloured person or persons shall be hired or employed, or taken as passenger, or otherwise removed out of the limits of this commonwealth, shall be liable to the party aggrieved by such removal, and may be proceeded against by suit in chancery, and condemned and sold to pay and satisfy such damage and the costs of suit.

CHAP. DCLXXVII.

An ACT for the benefit of Daniel Trabue and others.

Approved, January 7, 1824.

Recital.

WHEREAS it is represented to the General Assembly of the Commonwealth of Kentucky, that Daniel Trabue, Jacob Ankle, Adam Kerns and Charles Bennett, have for many years been engaged in boring for salt water near the Cumberland and Adair line, on Black-fish Creek, and have penetrated four hundred and between twenty-five and fifty feet into a solid rock, the borings of which are somewhat salt—sufficiently so to encourage them to continue their pursuit for salt water. The Legislature heretofore, for the purpose of encouraging the search for salt water, passed acts giving said Trabue and others the privilege to enter and survey five thousand acres of land, contiguous to said pros-

pect, for a given period, (at the state price for waste and unappropriated lands;) and said Trabue and others having entered and surveyed the greater part of said land, and have paid and obtained patents for about five hundred acres of the same. And it further appearing that the lands prayed to be appropriated are of little or no value, only for timber—nor would that be of any value unless salt water is obtained; and as the additional procurement of salt water in Kentucky would in that proportion curtail the amount of money which is now flowing to Virginia and Illinois, for that article: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Daniel Trabue and others, may have the further time of two years to survey and return plats and certificates of the remainder part of the aforesaid privilege.

Two years granted them to survey certain lands, &c

Sec. 2. *And be it further enacted*, That the Register of the Land Office is directed to issue a patent or patents to the said Trabue, or any of them authorized by said company, for the whole or any part of the aforesaid five thousand acres of land, when the plats and certificates are registered, and a quietus obtained from the auditor of public accounts as having paid five dollars per hundred acres, any law to the contrary notwithstanding.

Register to issue grants on the plats and certificates of survey.

Price of the land.

CHAP. DCLXXVIII.

An ACT appointing Commissioners for the protection of the navigation of Big Barren River.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Murrell, junior, of Barren county, Jonas Brown of Allen county, and Thomas L. Stephens, of Warren county, be, and they are hereby appointed commissioners of Big Barren river, from the highest point of navigation to its mouth, with full power and authority, either jointly or severally, to cut down and remove any fish-dam, or other obstruction to the navigation of said river, which is now standing, or may hereafter be thrown in or across said river,

Commissioners' names.

Their power and duty.

from the highest point of navigation on said river to its mouth, as aforesaid, except such obstructions (if any,) as may have been authorized by law.

Money re-
covered for
fines to be di-
vided be-
tween them.

Proviso.

Commencing
clause.

Sec. 2. *And be it further enacted,* That it shall be the duty of said commissioners, or either of them, from time to time to put the law of one thousand eight hundred and sixteen in force, subjecting persons to a fine of five dollars for throwing an obstruction in any navigable stream within this commonwealth; and all money collected under the provisions of the said recited act, by the said commissioners or either of them, shall be equally divided amongst them, and be considered as the only and entire compensation which they are to receive for their services as commissioners as aforesaid: *Provided however,* that nothing herein contained shall be so construed as to allow the said commissioners more than two dollars each, for every days service they or either of them may render under the provisions of this act. And should any money remain in the hands of said commissioners after retaining their own compensation, it shall be their duty to pay the same over to the county court of the county in which such money may have been assessed, to be applied towards lessening the county levy thereof. This act shall commence and be in force from and after the first day of February, one thousand eight hundred and twenty-four.

CHAP. DCLXXIX.

An ACT for the benefit of George Corn and Samuel Foster.

Approved, January 7, 1824.

Recital.

WHEREAS it is represented to the General Assembly of the Commonwealth of Kentucky, that George Corn and Samuel Foster, of Boone county, are both old and poor, are now living on rented land, with each a wife and children, mostly females. Said Corn was a brave Indian fighter, and was severely wounded in the old Indian war; and the said Foster distinguished himself, and was wounded at the siege of Fort Meigs, in the last war: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office be, and he is hereby directed, upon applications, to issue a land warrant for one hundred acres of land each to the said George Corn and Samuel Foster, without the state price being paid for the same; which warrants may be surveyed upon any vacant lands in this commonwealth, which is now by law subject to be located by land office treasury warrants; and on the return of the plat and certificate of survey to the register's office, a patent shall issue as in other cases. 100 acres of land granted to each.

CHAP. DCLXXX.

An ACT to extend the terms of the Green Circuit Court.

Approved, January 7, 1824.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter when the months of May and August have five Mondays, the Green Circuit Court at its May and August terms in each year, shall continue in session eighteen juridical days in those months, if the business require it, and the third week of each of those terms shall be devoted exclusively to the trial of Chancery causes.

CHAP. DCLXXXI.

An ACT to amend an act entitled "An act to enlarge the Penitentiary, and to provide for a more speedy sale of the articles manufactured in that Institution," approved December 10, 1822.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the commissioners, or any of them, appointed by the act to which this is an amendment, shall as soon as may be after the passage of this act, contract on terms Commission-ers to contract for the erection of the cells,

And for the employment of the convicts in their erection.

which they shall deem most advantageous to the state, with one stone mason and one carpenter, who are master workmen in their different professions, for the erection of the number of cells in the Penitentiary mentioned in that act to which this is an amendment, and shall agree with said workmen severally to take charge of any number of convicts that may be thought requisite, and agreed upon by the superintendents, to be designated by the keeper, and to be under his controul and correction, to aid and assist such workmen severally within the walls of the Penitentiary in the erection of those cells:

§5000 appropriated for that purpose.

Sec. 2. *Be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated, out of any monies in the Treasury, towards defraying the expenses attending the erection of said cells. And the said superintendents or any two of them, shall have power to draw at different times as circumstances may require, upon the Treasury for said sum of money, and their draft shall be presented to the Auditor, who shall audit the same, and give his warrant upon the Treasury for the amount of such draft. And the said superintendents shall also have power to draw upon the agent of the Penitentiary for any amounts of manufactured articles in his possession, not exceeding in the whole \$3000, for the purpose of erecting said cells: *Provided however*, that if said superintendents shall draw for any sum of money or manufactured articles before the same shall have become due to the person entitled to the same, and any failure shall happen in relation thereto, the said commissioners shall themselves be personally liable for such sums.

§2000 out of manufactured articles in the Penitentiary.

Proviso.

The convicts may be employed in erecting said cells by the master workmen employed.

Sec. 3. *Be it further enacted*, That so many of the able bodied convicts in the Penitentiary, as shall be stipulated for between the superintendents and the master workmen severally to be employed, shall aid and assist such master workmen at all times during the erection of the cells, in pursuance of such contract as may be made by and between the superintendents and such master workmen respectively, unless such convicts, or any of them shall have become sick, liberated, or shall be withdrawn by the keeper for the purpose of confinement and correction.

CHAP. DCLXXXII.

An ACT prescribing the duties of the reporter of the decisions of the Court of Appeals.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, And it is hereby enacted, that whenever William Littell shall make and file with the Auditor of public accounts, an affidavit, stating in substance that he is prepared for and ready to commence the printing of any particular volume of his reports as soon as paper can be procured, it shall be the duty of the Auditor to issue his warrant on the Treasurer for the payment of three hundred and fifty dollars, to the said William Littell; which warrant shall be paid out of any money in the treasury not otherwise specially appropriated, and the amount thereof shall be deducted out of the sum to be paid the said Littell on the completion and delivery of the stipulated number of each respective volume; *Provided however*, that the said Littell, shall in no case draw any money, to procure paper for the printing of a subsequent volume until he shall have completed the preceding volume, and deposited in the office of the Secretary of State, the requisite number of copies thereof.

Reporter authorized to draw money from the treasury in advance to purchase paper.

Sec. 2. The said reporter of the decisions of the Court of Appeals shall publish petitions for rehearing in cases which settle new principles; said Reporter shall publish the name of the Judge who delivers the opinion, as also of the circuit Judge whose decision is confirmed or reversed—the said Reporter shall not prefix to the report of any case an abstract of the case, but shall publish such abstract in the margin of the volume—he shall publish no table of cases cited or table of statutes expounded. The Reporter shall, in his next volume, proceed first to publish the cases omitted, directed to be published by the act of the present session entitled, “an act to prescribe the duties of the Judges of the Court of Appeals and for other purposes”—and in publishing the omitted cases to be published as aforesaid, no case shall be published unless it settles some principle of law not settled in any of the decisions of the Court of Appeals heretofore published.

Further duties required of Reporter.

Sec. 3. So much of the first section of the act

entitled, "an act to amend the several acts providing for the publication of the decisions of the Court of Appeals," approved December 11, 1822, as requires the Reporter to deposit in the office of the Secretary of State, within sixty days after the adjournment of the court, the number of copies of any volume of reports to be received by the state be, and the same is hereby repealed; and the Reporter shall after the end of each term, with all practicable dispatch, proceed to publish the decisions agreeably to law.

CHAP. DCLXXXIII.

An ACT for the divorce of Nancy Eastland, Sally Chesney and Peyton Chapman.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriages between John A. Eastland and Nancy Eastland, and William Chesney and Sally Chesney be, and the same are hereby totally dissolved and set aside, and the said females be restored to all the rights and privileges of *femes sole*.

And whereas it is represented that Nancy Chapman, wife of Peyton Chapman of Adair county, has abandoned her husband some years ago and will not return to and live with him again, but occasionally returns for short periods, for the purpose of harrassing and perplexing him and destroying his property, Therefore,

Sec. 2. *Be it further enacted,* That the bonds of matrimony solemnized between the said Peyton Chapman and Nancy, be annulled, set aside, and held for naught, and the said Peyton Chapman be divorced from his said wife Nancy.

CHAP. DCLXXXIV.

An ACT for the benefit of Thomas Rutledge.

Approved, January 7, 1824.

WHEREAS, it is represented to this General Assembly, that on the twentieth day of January, in year 1814; a patent issued to Thomas Rutledge, for **Preamble.** two hundred acres of head right land, on certificate granted by the county court of Henderson, No, 488, and that owing to some mistake of the surveyor in making out the certificate of survey of said land, the courses mentioned in the said survey and patent do not include the land actually surveyed and marked out by the surveyor at the time of making the survey on which the patent issued.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That when the said Thomas Rutledge shall present the patent aforesaid, to the Register of the Land office, the said Register shall receive and cancel the same and note opposite to the record of the said patent, that the same has been cancelled in virtue of this law; and thereupon the said Register shall issue a patent to the said Thomas Rutledge according to a plat and certificate of said survey, as made out by Edmund Talbot surveyor of Henderson county; Beginning at a red oak in the line of M'Greadys survey, thence north 65 west 160 poles to a red oak, corner of said survey, thence south 19 west 120 poles to a post oak, thence south 63 east 320 poles to a stake in William Ficklins line, thence north 50 poles to a red oak and elm, thence north 65 east 50 poles to two hickories, thence north 40 east 40 poles to two dogwoods, thence north 50 west 50 poles to a white oak, thence west 120 poles to the beginning. **Directions to Register.**

Sec. 2. Nothing in this act contained shall be so construed as to give a preference to the said Rutledge over any prior claim. **No preference**

CHAP. DCLXXXV.

An ACT for the benefit of Robert C. Slaughter.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert C. Slaughter of the county of Hardin, be allowed the sum of forty dollars and thirty seven and a half cents which sum he necessarily expended in pursuing and apprehending John Figgins and John Potter for horse stealing and who are now in the jail of Hardin county; the aforesaid sum to be paid out of any money in the Treasury not otherwise appropriated.

CHAP. DCLXXXVI.

An ACT to amend the act incorporating the Centre College of Kentucky at Danville.

Approved, January 7, 1824.

Preamble.

WHEREAS, the present state of the Treasury of this Commonwealth, does not admit at this time, of any further appropriations for Literary purposes, and it is represented to the present General Assembly, that donations and probably bequests to a considerable amount, can be obtained in aid of the fund of Centre College, by which the prosperity and usefulness of said institution will be much increased, provided the funds so obtained or procured can be secured and faithfully applied, to meet the objects and wishes of the donors, under the controul and management of the board of Trustees of said College as at present organized: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Trustees of said College to receive, acquire, hold and procure from any individual or society, religious or otherwise, donations, gifts or bequests, of any sum or sums of money, Books, Charts, Maps, Philosophical apparatus, or estate of any kind, which shall be applied wholly and exclusively to the uses and purposes that may

May hold donations and estate of any kind and regulations as to doctrines.

be specially designated by the donors respectively, or to the establishment and maintenance of one or more professorships of Theology or other professorships, to be separate and distinct from the internal concerns of said College: *Provided*, that the present fundamental law of said College, which forbids doctrines peculiar to any one sect of christians, to be taught by any professor in said College, shall remain unchanged and inviolate, except in the Theological department of which he is professor, where he or they hold any other professorship in said College. Each and every department of Theology that may be established, shall remain, as to the internal concerns, separate and distinct from the Literary department, and shall at all times regulate their own affairs without interfering in any way with the bye-laws or statutes of the College or of any department thereof, and the privilege is hereby reserved to each and every denomination of christians, to establish a professorship of Theology in said College, they severally furnishing the funds necessary for its support.

Sec. 2. The funds or estate of any kind which may be obtained, received or procured by virtue of the first section of this act, shall be by the said Trustees, at all times, appropriated and applied to the specific objects and purposes of the donors, should such a purpose be designated at the time of such gift, grant or devise, and should the funds or any part thereof, be diverted from the objects and purposes designated as aforesaid, without the consent first had and obtained of the donor or donors, or of his, her or their heirs or successors, the grant, gift or demise so misapplied, in part or in whole, shall revert and be re-vested in the donor, grantor or deviser, his, her or their heirs or successors, to be recovered by due course of law, or bill in equity. Nothing herein contained shall be construed to deprive the Trustees of the management and controul of the affairs and concerns of the College, but as intended to guard against the abuse or misapplication of any funds that may be received or procured as aforesaid.

How donation
administered:

Sec. 3. Said College shall at all times, be conducted upon liberal, free and enlightened principles, and no student shall be excluded in consequence of religious opinions.

No student to
be dismissed
for his reli-
gious opinions

his religious opinions, or those of his parents, guardians or relatives.

Proviso.

Sec. 4, *Provided*, That any donation made without a designation of any specific object, to which it shall be applied, it shall be devoted to the regular literary department.

CHAP. DCLXXXVII.

An ACT for the benefit of Joseph Cummins and others.

Approved, January 7, 1824.

Recital.

WHEREAS, it is represented that James Moody and Samuel M'Millan, sold and conveyed to Samuel Cooke and John Ewing, a tract of land containing 10,111 1-2 acres lying, a part thereof in the county of Harrison and part in the county of Pendleton, and that the said conveyance was through the ignorance of the parties, of the law, relative to conveyances, acknowledged and recorded in the clerks office of the district court, held in the town of Lexington. The purchase and conveyance having been made in the year 1800—and that the said Cook and Ewing sold out the land in small farms, to sundry citizens of this Commonwealth, who took conveyances thereof and had them recorded in the proper counties, but who being alike ignorant of the fact, that the conveyances from Moody and M'Millan had been recorded in the office of the Fayette District court, and of the law in relation to that subject, respectively settled down upon their lands and have continued to occupy, improve them, and now residing upon them, but whose homes are considered to be jeopardized, by the error in recording the deed as aforesaid from Moody and M'Millan, to Cooke and Ewing : For remedy whereof,

Recording
certain deeds
confirmed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the recording of the said deed from Moody and M'Millan to Cooke and Ewing, in the Fayette District court office, shall in all suits concerning the title or possession of said land, or any part thereof, be considered as valid in law as if the same had been recorded

in the Court of Appeals office, or of the counties in which the land lies, and a copy thereof, duly certified from the books of the office of the Fayette District court, by the clerk in whose office those books are deposited, shall be as competent evidence in all suits in relation to said land, or any part thereof, as if it had been recorded in either of the offices aforesaid, and certified therefrom: *Provided*, that nothing in this act shall be construed to effect any bona fide purchaser or purchasers from Moody and M'Millan without notice.

CHAP. DCLXXXVIII.

An ACT to authorize the Executors of Brumfield Long to convey certain lands.

Approved, January 7, 1824.

WHEREAS, it is represented to the present General Assembly, that Brumfield Long, late of the county of Allen, in the state of Kentucky, did, by his last Will and Testament, devise that his lands should be sold by his executors, Willis Mitchell and Anak Dawson, and that the money arising from said sale should be equally divided among his legal heirs; and whereas doubts have arisen as to the power of said executors to make a conveyance to said lands: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Executors, Willis Mitchell and Anak Dawson are hereby vested with full power and authority to convey by proper deeds, all the right, title, interest and claim which the said Brumfield Long had to the lands devised by him, to be sold, and such conveyance when made, shall be as effectual and binding in law as if the said Long had made such conveyance in his life time,

CHAP. DCLXXXIX.

An ACT to establish a Botanical Garden.

Approved, January 7, 1824.

Preamble.

WHEREAS the establishment of a Public Botanical, Agricultural and Medical Garden in Kentucky, would be highly beneficial for the promotion of the knowledge of husbandry and natural sciences.

Garden established.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Botanical, Agricultural and Medical Garden, be established in the town of Lexington or its vicinity, to be called and known by the name of the Botanical Garden of Transylvania University.

Commissioners their duty and regulations.

Sec. 2. That Constantine Samuel Rafinesque, William Leavy, Sr. William Leavy Jr, Elisha Warfield, J. Harper, John M. M'Calla, James W. Palmer, Joseph Ficklin, Thomas Smith, Horace Holley, Charles Caldwell, Thomas Caldwell, Benjamin W. Dudley, Charles Humphreys, Gabriel Slaughter, Thomas Wallace, M. M. Roch, Charles Wilkins, Benjamin Gratz, Richard Higgins, John W. Hunt, B. R. M'Ilvaine, Joseph Boswell, Samuel Brown, Dr. Daniel Drake and Dr. William H. Richardson shall be, and they are hereby created a body corporate and politic, by the name and style of the Transylvania Botanic Garden Company, and by that name may have and use a common seal, and may sue and be sued, and do and perform all corporate acts as a corporation, touching the funds of the institution; to continue and remain as a company and body politic, thirty year; and may, for the purpose of erecting a Botanical Garden, in the neighborhood or town of Lexington, purchase and hold any time, and the same at pleasure sell and convey, real estate to any amount not exceeding fifty thousand dollars; and the said company so incorporated, shall have full power and authority to form a board of directory and devise bye-laws, which they shall cause to be written and recorded in the clerks office of Fayette county. The amount of each share of the capital stock, in said corporation, and the scale by which the stockholders shall vote at general elections, and also make such other and necessary bye-laws as may be deemed necessary for

the government of the institution, and which bye-laws so made and recorded, shall not be changed by any less number than the votes of three fourths of all the directors elected or in office, and until altered as aforesaid, shall be a law binding upon the company.

Sec. 3. *And be it further enacted*, That the said corporators, or a majority of them, may constitute a board of directors, and shall continue in office until removed by the stock-holders, resignation, or otherwise, and that they shall from time to time have power to fill up all vacancies which may so happen.

Directors how appointed, &c.

Sec. 4. *And be it further enacted*, That the stock-holders in said institution shall once in every year, and as much oftener as they may deem correct, in the months of April or May, meet at such place as they shall by their bye-laws provide, and elect a president and directors for said corporation, who shall remain in office for one year thereafter, and until their successors shall respectively qualify: *Provided however*, that no person shall ever be elected a president or director of said corporation who is not a share-holder in the capital stock of said company.

Regulations for stock-holders, and the government of the officers

Sec. 5. *And be it further enacted*, That as soon as the said corporation shall have formed a board and enacted the bye-laws specified in this act, they shall proceed to elect from among themselves a president and so many directors as they shall deem proper, who shall be, and they are hereby authorized to raise subscriptions for the capital stock, and to do and perform every act necessary to organize said institution: *Provided however*, and it is hereby declared, that said corporation shall not exercise any other powers by virtue of this act, than the erecting and conducting the said botanic garden, and to do and perform whatever may be necessary to keep and continue the same in operation.

Manner of going into operation, &c.

Sec. 6. *And be it further enacted*, That it shall be the duty of the president and directors of said company to lay before the share-holders at their meeting, a full statement of the condition of the funds of the institution, and to make at such time as they shall provide by their bye-laws, a fair dividend of all profits of the institution.

Duty of president, &c.

CHAP. DCXC.

An ACT allowing an additional term to the County Court of Hardin.

Approved, January 7, 1824.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Hardin shall be authorized to hold a court on the fourth Monday in March, 1824, to qualify a sheriff as the law directs.

CHAP. DCXCI.

An ACT for the benefit of the widow and heirs of James Dunbar, deceased.

Approved, January 7, 1824.

WHEREAS it is represented to the present General Assembly, that James Dunbar died seized and possessed of a house and lot in the town of Flemingsburg, and one other unimproved lot in said town. And whereas it is believed that a sale of said house and lots would be beneficial to the widow and heirs of said James Dunbar, deceased, provided the proceeds of such sale could be vested in other and more suitable landed estate :—For remedy whereof,

Recital.

Circuit court of Fleming to decree a sale of certain real estate.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the circuit court of Fleming county at any time, on the petition of the widow and heirs of the said James Dunbar, deceased, and on the petition of the guardian of the heirs under age, to decree a sale of the said house and lots lying in the town of Flemingsburg, as is now provided by law. Said court may also, if it shall be deemed expedient, appoint one or more commissioners to sell and convey said house and lots on such credit as said court may direct. And if it shall be deemed expedient, said court is hereby authorized to direct said commissioner, or commissioners, to vest the proceeds of the sale of said house and lots in other and more*

Proceeds to be vested in other real estate.

suitable landed estate, and convey the same to the heirs of said James Dunbar, deceased.

Sec. 2. *Be it further enacted*, That in case said court shall decree a sale of said house and lots, and direct one or more commissioners to vest the proceeds of such sale in other real estate, as authorized by the first section of this act, that said court shall take bond with security in such sum as shall by said court be deemed proper, for the faithful discharge of his or their duty, agreeable to the provisions of this act and the decree of said court; which bond shall be made payable to the Commonwealth of Kentucky, and may be put in suit at any time when the condition thereof shall be broken, by any person injured by such breach.

Commissioners to give bond, &c.

CHAP. DCXCII.

An ACT altering the mode of distributing the Acts, Journals, and Reports.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the public printers be, and they are hereby authorized to print an additional number of Journals, equal to all the counties in the state: for which they shall receive the same compensation for each copy as is now allowed by law.

Additional number of Journals to be printed, &c.

Sec. 2. *And be it further enacted*, That it shall be and is hereby made the duty of the county court clerks, to keep said Journals in their respective offices, for the examination of all the citizens of this commonwealth.

County court clerks to preserve the same.

Sec. 3. Whenever it shall become necessary to distribute to the several counties in this state, Acts of Assembly, Reports of the Decisions of the Court of Appeals, or any other books, it shall be the duty of the Secretary of State, after giving three weeks notice in two news-papers published in the town of Frankfort, to let out the carrying of the same in one or two districts to the lowest bidder, under sealed proposals, taking from him bond and security payable to the commonwealth of Kentucky, conditioned

Distribution of the Laws, &c. to be let out by Secretary of State.

Undertaker to give bond, &c.

Proviso. for the faithful performance of said duty within forty days : *Provided however*, that all the contracts for carrying said books shall not exceed twelve hundred dollars.

Mode of payment. Sec. 4. So soon as the person thus employed shall produce to the Secretary of State the receipts of the clerks of the several county courts for the books he was employed to distribute, the Secretary shall certify the fact to the Auditor, and the amount of money he is entitled to receive therefor, whose duty it shall be to issue a warrant on the Treasury for the amount thereof.

The Laws, Journals and Reports to be distributed at the same time Sec. 5. There shall be no books or Reports distributed at any other time except at that at which the Acts and Journals are distributed.

CHAP. DCXCHII.

An ACT to amend an act entitled, "An act for the benefit of Religious Societies in this Commonwealth," approved February 1st, 1814.

Approved, January 7, 1824.

Religious Societies may hold more ground than allowed by the recited act, &c. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any religious society heretofore formed, or which may hereafter be formed, may acquire by purchase or donation any number of acres of ground not exceeding ten, in one or more lot or lots, under the same rules, regulations and restrictions contained in the above recited act, and for the purposes therein mentioned ; and so much of the above recited act as restricts any religious society from holding more than one lot of ground, be and the same is hereby repealed : *Provided however*, that this act shall not be construed to authorize any society to hold more than ten acres.

Upon the dissolution of said society, the lands vested in the trustees of the seminary of the county, &c. Sec. 2. *Be it further enacted*, That if any society so holding lands shall dissolve, the said land and appurtenances shall be vested in the Trustees of the seminary of learning of the county where such land may be, for the use and benefit of said seminary ; and if there be no seminary in said county, then and in that case, the land and appurtenances shall be

vested in the county court, for the use of common or in the schools in said county. county court.

CHAP. DCXCIV.

An ACT to incorporate the Republican Circulating Library Company.

Approved, January 7, 1824.

WHEREAS it is represented to the present General Assembly of the Commonwealth of Kentucky, ^{Preamble.} that a number of individuals of the county of Shelby have associated themselves together for the purpose of establishing a library, and have procured a pecuniary fund for that purpose, and desirous of being incorporated as a society, to be known and called the Republican Circulating Library Company: The object of the society being for the extension of science and the promotion of literature: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That George Smith, James Pitman, Samuel W. White, Henry Crawford, James Alexander, John B. Russell and John Dale, and their successors, and other members who have subscribed or may hereafter subscribe, be and they are hereby constituted a body corporate and politic, both in law and in fact, under the name and style of the Republican Circulating Library Company, with power to purchase, receive by grant or otherwise, and hold books, maps, charts and other apparatus appertaining to literature, and grant, sell and dispose of the same at pleasure, for the use and benefit of the company, and by their corporate name sue and be sued, plead and be impleaded in any court of law and equity in this commonwealth. ^{Incorporation.}

Sec. 2. Said corporation shall have full power to make any bye-laws which they may deem expedient for the government of said company, not repugnant ^{Bye-laws and seal.} to the laws of this state, and shall be capable to make, have and use a common seal, which they may break, alter or amend at pleasure.

Sec. 3. The officers of the corporation shall be a

Officers of corporation. president, six directors, secretary, treasurer and librarian, to be elected annually by the stock-holders of said company: *Provided*, a majority of share-holders either personally or by proxy, shall be necessary to elect said officers, and that each stock-holder shall be entitled to one vote for each share he may own.

Of admission and vacancies. Sec. 4. The president and directors shall have power to fix the price of shares, to direct how they may be transferred, and they shall judge the persons proper to be admitted as members, procure a suitable building for keeping the library, to fill up vacancies that may happen between the annual meetings of the society, to levy and collect fines and forfeitures, and to transact all matters appertaining to said corporation, agreeable to the rules and by-laws thereof: *Provided*, not less than a majority of the directors, with the president, shall be a quorum to do business.

Books to be kept, &c. Sec. 5. The president and directors shall cause the secretary, treasurer and librarian to keep in suitable books just and proper entries of all the proceedings and accounts of the company, and have the same before the company at each annual meeting, and shall deliver the books, together with the property of the company which may be in their hands, in good order to their successors in office.

Elections. Sec. 6. The first election for officers shall be held at the house of William Shanks, in the county aforesaid, on the fourth Saturday in December next, and on the same day in every year thereafter for the term of ten years, at the end of which the corporation shall be dissolved.

Transfers and relinquishments. Sec. 7. That each share-holder shall be at liberty at all times to transfer or relinquish his share or shares, and that he shall forever thereafter be released from all further contribution on account thereof.

Offices how held. Sec. 8. The president and directors shall hold their office until superceded by an election for other officers at their annual meeting.

CHAP. DCXCV.

An ACT to alter the time of holding certain Circuit Courts.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court of Clay county shall hereafter in each and every year, commence on the first Monday in April, July and October; the circuit court for the county of Whitley shall hereafter commence on the third Monday in April, July and October in each and every year, and shall each sit six juridical days at each term if the business shall require it; the circuit court for the county of Perry shall hereafter in each and every year commence on the Wednesday preceding the third Mondays in May, August and November, and shall sit four juridical days at each term if the business shall require it; and the circuit court of Harlan county shall commence on the third Monday in the month of May, August and November, in each and every year, and shall sit six juridical days if the business shall require it.

Changing
time of hold-
ing courts.

Sec. 2. All process now issued, or which may hereafter issue to the first terms, as now allowed by law, shall be good and valid, as returnable to the several terms as directed by this act.

Process now
issued valid.

Sec. 3: The county courts in the several counties named in this act shall sit as heretofore, except the county court of Harlan, which shall sit on the fourth Mondays in each month, except the months in which the circuit courts are by this act directed to be held.

CHAP. DCXCVI.

An ACT for the benefit of the Executors of John B. Wooldridge.

Approved, January 7, 1824.

WHEREAS, since the death of John B. Wooldridge, late agent of the Penitentiary, his executors

Recital.

had a settlement with the present agent, upon which there was a balance in favour of said executors to the amount of three hundred and fifty-eight dollars and eighty-eight cents, as appears by reports filed in the Auditor's office. And whereas the present agent suggests that there was a mistake in said settlement:

Accounts
with state to
be settled.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of public accounts be, and he is hereby authorized to settle and adjust said accounts, and if a balance shall be found in favour of said executors, to issue his warrant upon the Treasury for the amount thereof.

CHAP. DCXCVII.

An ACT to amend an act entitled, "An act to abolish imprisonment for debt, and subject equitable interests to execution."

Approved, January 7, 1824.

Persons re-
maining in
prison bounds
may be dis-
charged.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases in which any debtor or debtors may have been committed to custody by virtue of a *capias ad satisfaciendum*, and shall have failed to discharge himself, or themselves under the provisions of an act entitled "an act to abolish imprisonment for debt, and subject equitable interests to execution," the creditor or creditors of such debtor or debtors may file with the justice of the peace who issued such *capias ad satisfaciendum*, or with the clerk of the court which rendered the judgment upon which such *capias ad satisfaciendum* issued, a release in writing, discharging such debtor or debtors from custody, and may forthwith and without *scire facias*, have the benefit of any execution against the estate of such debtor or debtors, that may be authorized by law to emanate upon original judgments.

And a fieri
facias sued
out.

CHAP. DCXCVIII.

An ACT for the benefit of Nancy Strode.

Approved, January 7, 1824.

WHEREAS, it is represented to the present General Assembly, that James M'Gowan, late of the county of Fleming did, by virtue of his last Will and Testament, vest the legal title in a certain portion of his slaves in a Trustee for the use of his daughter Nancy Strode, for and during her natural life, and at her death they are to descend to her children, and that Abraham M'Gowan her brother is her Trustee and executor of said Will, and that the devisees of said M'Gowan, in order to effect a division of said slaves did, by virtue of a written agreement, request the said Abraham M'Gowan in his capacity as executor, to sell the said slaves, and that in said sale he did purchase a negro girl named Hannah, as Trustee for said Nancy : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the division of said slaves shall be, and the same is hereby confirmed, and that the title to said negro girl Hannah, shall be vested in the Trustee of said Nancy Strode, agreeably to the provisions of said Will, and the said Trustee or his successor may permit the said Nancy Strode to have the personal services of said negro girl and that she shall not be liable to the payment of the debts.

Division confirmed,

CHAP. DCXCIX.

An ACT for the benefit of Joshua Barbee and the devisees of John Barbee deceased.

Approved, January 7, 1824.

WHEREAS, it is represented to this present General Assembly, that Phillis Barbee, widow of John Barbee deceased, has by deed in writing, bearing date the 14th day of December 1822, relinquished all her right and title to a negro woman by the name of Lucy and her three children Sarah, Jer-

Recital.

ry and Enoch to Joshua Barbee executor of the said John Barbee deceased, for the benefit of the devisees, in remainder of the said John, and doubts are entertained as to the power of the said executor to make sale and convey a good and valid title to said negroes and their increase : Therefore for remedy thereof,

Courts to take jurisdiction of a certain case. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said Joshua Barbee executor of John Barbee deceased, to file his bill in chancery in the Mercer circuit court, against the widow and devisees in remainder of the said John, and in case it shall appear to the satisfaction of said court, that the title to said negroes is relinquished as above recited, and that the said transaction stands fair, it shall and may be lawful for said court to decree a sale or division of said slaves among the devisees in remainder, in as full and ample manner as where said courts are invested with power to decree a sale or division of slaves in cases of descent.

CHAP. DCC.

An ACT for the benefit of the Lexington Presbyterian Congregation.

Approved. January 7, 1824.

Recital. WHEREAS, an act passed on the fourth day of in the year 1789, authorizing the Trustees of the town of Lexington, to make sale of a part of the public square in said town, and the Lexington Presbyterian Congregation became purchasers, when the same was conveyed to certain Trustees for the use of said Congregation, who made various leases thereof, for terms of years, to divers persons, some of which have been destroyed by the burning of the records of the county court of Fayette and others have been made since by Trustees appointed by said Congregation : and, whereas doubts are entertained as to the regularity of the appointment of said Trustees, and also whether the act made in 1814 to authorize religious societies to hold real

estate, embraces said Presbyterian Congregation :
For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the legal estate of said lot of land, purchased of the Trustees of Lexington, be vested in the Trustees appointed by said first Lexington Presbyterian Congregation, to-wit: Alexander Parker, George Trotter, Luther Stephens, John C. Richardson and Thomas Nelson and their successors, regularly appointed to the act passed first February 1814, and that said Trustees and their successors, have all the power and authority granted by that act to the Trustees of religious societies, and that all leases heretofore made by the Trustees of said Congregation be, and the same are hereby confirmed and made valid and binding to all intents and purposes.

Certain powers granted to Trustees.

Acts confirmed.

CHAP. DCCL.

An ACT for the relief of certain Aliens.

Approved, January 7, 1824.

WHEREAS, it is represented to the present General Assembly, that many persons, through ignorance or misconception of the laws in relation thereto, purchased warrants of the state, and had surveys executed thereon on the vacant lands of this Commonwealth, but being aliens in the view of the law, not having taken the legal steps of naturalization, though they deemed themselves protected by the benevolent acts of this Commonwealth, and particularly the act of December 18th 1800 ; and whereas, from the circumstances aforesaid, much injury is likely to result to many meritorious claimants : For remedy of which,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That every survey, made and executed as the law directs, or which may hereafter be made, by virtue of a Kentucky Land-office warrant, in the name of any alien (whether he or she has been naturalized or not) shall be taken, holden, deemed and considered as valid and effectual in law and equity, as if said survey had

Certain surveys confirmed.

been made and executed for a natural born citizen of the United States : *Provided*, that said persons have been two years actually residing within this state, before any such survey shall have been executed : *and provided also*, that the privilege and benefit of this act shall not extend to those, who at the passage thereof, are alien enemies, or those who will not within eight months from the passage thereof, in some circuit court of this state, take an oath to support the constitution of this state and of the United States : *Provided*, that said location and survey shall not interfere with any prior entry or survey.

Proviso.

CHAP. DCCII.

An ACT to amend the several acts concerning the town of Cythianna.

Approved, January 7, 1824.

Powers to
trustees ex-
tended.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the power of the Trustees now vested in them by law, as to taxing shewmen and mountebanks, shall extend one half mile in every direction, beyond the present limits of said town, and the said Trustees shall cause said limits to be marked on all the public roads leading into said town.

Tax on real
estate to be
collected.

Sec. 2. That the Trustees of said town shall have full power to levy and collect the same tax on all real estate within the limits of said town, owned by persons not inhabitants, as if he, she or they owning such property lived in said town.

Their gener-
al powers.

Sec. 3: That said Trustees shall have full power to regulate the police of said town, as to houses of bad fame and street brawls, also to regulate partition walls and fences, also the markets and preventing the distruction of property by fire, to abate or remove nuisance or cause them to be done, so as to promote the health of the town, and to establish a town patrol when necessary, under such rules and regulations as the said Trustees may think proper, from time to time to establish, alter or modify, not inconsistent with the constitution and laws of this Commonwealth.

CHAP. DCCIII.

AN ACT to carry into operation the Lunatic Asylum.

Approved, January 7, 1824.

The Lunatic Asylum being now complete and ready for the reception of all persons of unsound minds within this Commonwealth.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John W. Hunt, Richard Higgins, Elisha Warfield, John Brand, William W. Worsley, Richard H. Chinn, William Morton, John Bradford, Andrew M'Calla, and John R. Witherspoon be, and are hereby appointed commissioners to carry said establishment into operation; and they are hereby authorized and directed to purchase bedding, clothing and all other necessaries, or cause the same to be done, by some careful and discreet person, to be appointed by them for that purpose, having due regard to economy, which said commissioners shall hold their appointment for two years and until others may be appointed by law. Comm'rs appointed. Their duties.

Sec. 2. The commissioners are hereby directed and required, carefully and scrupulously to examine the case of every subject brought to the Asylum, distinguishing, by all the means in their power, between such persons as are sick or imbecile only, and such as are actually lunatic, or of unsound mind, admitting only the latter, and rejecting the former, also carefully distinguishing maniacs, or persons who are dangerous, from such as are quiet and peaceable, making orders for their confinement or otherwise, accordingly. To examine Lunatics and make orders.

Sec. 3. From and after the first day of May next all laws committing persons of unsound mind to the care of committees and charging the Treasury of the state with the payment thereof, shall entirely cease, and from thence forward, the care and safe-keeping of all such persons shall be confided to the Lunatic Asylum. To go into operation in May.

Sec. 4. Upon the production of any lunatic or other person of unsound mind, at the Asylum, and be examination had, if the person offered is found to be a fit subject of admission, he or she shall be provided for, according to his or her state of disease, and Lunatics to be examined and provided for.

the reasonable expense and trouble of conveying said patient, shall be paid to the person delivering him, her or them, by the commissioners, or by their order, and the said commissioners shall have full power and authority to discharge any person or persons, from said Asylum, whenever they deem such person or persons sufficiently restored.

To be discharged when restored.

Sec. 5: The said commissioners are hereby required to cause an account to be kept of all their transactions and disbursements, to be laid before the Legislature annually.

To keep account of expenditures.

Sec. 6. The said commissioners are hereby authorized to draw from the Treasury, the sum of ten thousand dollars, to be applied to the purposes herein mentioned, who, or any two of whom, may draw and receipt therefor, having entered into bond with good and sufficient security, to be approved of by the Fayette county court, in the penal sum of at least twenty thousand dollars, conditioned for the due and faithful application thereof; which sum shall be paid quarterly in advance, out of any money in the Treasury, so soon as the Auditor shall be satisfied such bond has been executed.

Money to be drawn from Treasury.

Comm'rs to give bond.

May make bye-laws.

Sec. 7. The commissioners are hereby authorized to appoint a chairman, make and digest a system of bye-laws, for the government of said Asylum, not inconsistent with the laws of this state.

Sec. 8. Said commissioners shall appoint some fit and suitable person as keeper or steward of said Asylum, to take the care and management thereof, removable at pleasure, and so much of the act passed at the last session of the General Assembly as requires the Governor to make such appointment, shall and is hereby repealed.

Steward to be appointed.

Sec. 9. *Provided however*, that Idiots shall be permitted to remain with their parent or parents, if with their parents so desire, and such parent or parents shall be authorized to continue in possession of such Idiot as heretofore directed by law: *Provided however*, that the court shall not make a greater allowance for the keeping such Idiot than it would cost for keeping such person in said Asylum.

Idiots may remain with their parents.

Sec. 10. *Provided however*, That nothing in this act contained shall be so construed as to authorize the managers to support any person in said institution, at the public charge, who have estate sufficient to be supported by the state.

Lunatics who have estate sufficient not to be supported by the state.

tion is found, the same shall accompany the individual sent to the said Asylum.

CHAP. DCCIV.

An ACT for the benefit of the heirs of Richard Cocke and Mary Cocke deceased:

Approved, January 7, 1824.

WHEREAS, it is represented to this General Assembly, that Richard Cocke, in his life time, sold a small tract of land, about fourteen or fifteen acres adjoining Springfield, to a certain William I. Philips and gave his bond for a conveyance, which bond has been assigned to different persons, that the title of said land was in the said Mary Cocke, wife of the said Richard; that the said Richard and the said Mary, both departed this life intestate, in the month of January or February one thousand eight hundred and twenty-three, without having made a conveyance of said land, and that the legal title thereof, has descended to the infant heirs of said Mary, who will be greatly injured unless some authority is given to the administrator of the said Richard or other fit person, to convey to the said Philips or the assignee of the said bond, the land aforesaid: For remedy whereof,

Preamble,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Paul Jones Booker of Washington county be, and he is hereby authorized to convey the said land to said Philips or the regular assignee of said bond, or such person as may be entitled to the said land or the benefit thereof; the conveyance to be made in the name and in behalf of said heirs of said Richard and Mary and to contain such warranty and other stipulations as required by said bond.

Commrs. appointed to convey a tract of land.

Sec. 2. And be it further enacted, That this act shall commence and be in force from and after the passage thereof.

CHAP. DCCV.

An ACT to establish election precincts in certain counties.

Approved, January 7, 1824.

Election precinct in Floyd county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, all that part of the county of Floyd included in the following boundary viz: Beginning at Licking station, thence with the county line between the counties of Floyd and Morgan to the Perry county line, thence with the Perry county line to the dividing ridge between the waters of Licking and Sandy rivers, thence with said dividing ridge to the county line between the counties of Floyd and Morgan, thence with said county line to Licking Station, shall constitute an election precinct, and the election for said precinct shall be held at the house of William Prater in said county.

County court to appoint judges &c.

Sec. 2. *Be it further enacted*, That the county court of Floyd county, at the time of appointing judges and clerks of elections in each year hereafter, shall appoint judges and a clerk to attend the election precinct established by the first section of this act: *Provided however*, that nothing contained in this act shall prohibit any of the citizens residing within the bounds of said election precinct from voting at any other election held in and for the county of Floyd, nor to prevent any person resident in Floyd county, without said precinct, entitled by law to vote in said county, from voting at said precinct, *Provided* no person shall be entitled to vote twice at any one election.

Election precinct in Henry county.

Sec. 3. *Be it further enacted*, That all that part of Henry county in the following bounds, to-wit: In the eastern part of Henry county, beginning at the dividing corner, on the Kentucky river, between the counties of Henry and Franklin, thence down the Kentucky river to the mouth of Drenens creek, thence up said creek to Cooks mills, thence a south course to Shelby county line, shall constitute an election precinct, and the election for said precinct shall be held at the house of John Taylers in said county on Drenens ridge settlement.

Sec. 4. *Be it further enacted*, That the county

court of Henry county, at the time of appointing judges and clerks of election in each year hereafter, shall appoint judges and clerk to attend the election to precinct established by the first section of this act: *Provided however*, that nothing construed in this act shall prohibit any of the citizens living within the bounds of said election precinct, from voting at any other election in and for the county of Henry, nor to prevent any person resident in Henry county, living without of the bounds of said precinct from voting at any precinct in said county; *Provided*, that no person shall vote twice at any one election.

Sec. 5. All that part of Campbell county which is not included in the bounds of the present precinct, shall hereafter form the election precinct in said county, to be called and known by the name of the New-Port precinct, and the election shall be held at the house formerly occupied as a court house in said town, by the sheriff of Campbell county, or one of his deputies, at the same time and in like manner as elections are by law directed to be held. And the qualified voters of the said county of Campbell shall have the privilege of voting at the present seat of justice, or place of holding an election established by this act, as they shall respectively choose. The county court of said county shall from time to time appoint judges and clerk to attend elections in said precinct, in like manner as the law directs in similar cases; and on failure of the court the sheriff shall fill such vacancies. The said sheriff, clerk and judges shall be entitled to the same allowance for their services, to be paid in like manner and subject to the same penalties as is directed by law in similar cases. And the sheriff shall be governed in comparing the polls by the law regulating elections, and shall meet either at the court house, or precinct in the town of New-Port on the Thursday succeeding each election, for that purpose: *Provided however*, that nothing in this act contained shall be so construed as to prevent the election from being also held in the town of Vigalia, until the public buildings shall be erected at the present seat of justice in said county.

Sec. 6. An election precinct is hereby established in the county of Rockcastle, to consist of the following boundary, to-wit: Beginning where the Crab Orchard state road crosses the county line

Election precinct in Campbell county.

County court to appoint judges, &c.

Election precinct in Rockcastle county.

near the Hazle-patch, thence with said road to Little Rockcastle river, thence down the same to Big Rockcastle river, so as to include all the settlers on the same, thence down Big Rockcastle river to the mouth of Skegg's creek, so as to include all the settlers on the same, to the mouth of said fork, thence up said creek to the mouth of Dysart's forks of Skegg's creek so as to include all the settlers on the same, to the mouth of said fork, thence up said fork so as to include Jesse Kerbey's and all the settlers on the same, thence a direct line, passing by the head of Line creek to the Rockcastle county line, thence with the said line to the south-eastwardly corner of said county, thence with the said county line to the beginning; and the election shall be held at the dwelling house of David Owens, junior.

County court
to appoint
judges, &c.

Sec. 7. It shall be the duty of the county court of Rockcastle, at or before the July term preceding each annual election, to appoint judges and a clerk to attend the said election precinct, who shall execute the duties assigned them under existing laws regulating elections; and the sheriff of said county shall by himself or deputy attend the election to be held in said precinct.

Sec. 8. The sheriff who may attend the said precinct shall attend at the court house of Rockcastle on Saturday succeeding each election, and compare the polls: *Provided*, that the voters within the bounds of said precinct may either vote at the said precinct, or at the court house in Rockcastle, but shall be subject to be fined for voting twice at any one election in said county, under the existing laws now in force in that case provided.

CHAP. DCCXI.

An ACT to improve the navigation of Big Sandy River.

Approved, January 7, 1824.

Commission-
ers appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Hon-eaker of Pike county, John Vanhoes and Thomas Johns, of Floyd county, and Henry Burges of Law-

rence county, be, and they are hereby appointed commissioners, any two of whom may act, to superintend the improving of the Louisa Fork of Big Sandy river, from the mill of Spencer Adkins, below the junction of the Russell and Louisa forks of Big Sandy, down said stream to its junction with the Tug fork of said river.

Sec. 2. *Be it further enacted*, That said commissioners shall, as soon as may be after the passage of this act, at such times and places as by previous advertisement and proclamation made at the door of the court house of each of the counties aforesaid, on one court day at least, they may appoint, let out to the lowest bidder any lot or lots of said river which they may think proper to designate, and may think necessary to be improved in point of navigation. And whenever any lot or part of said river is to be let as aforesaid, the said commissioners shall in writing specify, and at the time and place of letting the same, publish to the bidders, in what said improvement in relation to the particular lot to be let, is to consist; and the lowest bidder shall give bond with good security to be approved of by said commissioners, payable to the commonwealth of Kentucky, conditioned faithfully to perform and make the improvement contained and mentioned in such written specification, which specification shall be mentioned and recited in the condition of said bond. And the said commissioners shall file such bond or bonds with the clerk of the circuit court of that county in which such lot, or the greater part thereof (in the judgment of the commissioners) may lie; and a majority of the commissioners may at any time for a breach of the conditions of any of the said bonds, bring suit on such bond in the court in which such bond is filed, without being liable in any manner for costs: and all monies recovered by judgment in such suit shall be applied to the further improving of the navigation of Big Sandy river in any part or parts thereof that shall in the opinion of the said commissioners, be most beneficial; and no exceptions shall be allowed to the jurisdiction of the court, because of the absence or removal of the defendants, or any of them from the county in which such suit may be brought: *Provided*, such suit shall be brought within five years after the execution of said bond.

Improvement
of said river
to be let out
to the lowest
bidder.

Undertakers
to give bond.

Proceedings
on said bond.

Land warrants appropriated to pay for said improvements. **Sec. 3.** *Be it further enacted,* That the sum of two thousand dollars be appropriated to the purpose of improving the navigation aforesaid, to be paid by this commonwealth in land warrants at the state price, which shall be issued to the said commissioners, and shall express upon their face that "they were issued under an act of Assembly to improve the navigation of Big Sandy, and that they are only to be located in the counties of Lawrence, Floyd or Pike." And the said commissioners shall when they may sell or let any of the lots or parts of said river, give information to bidders that the pay for the labour to be done on said lot or lots is to be made in land warrants at the state price.

Register to issue warrants **Sec. 4.** The commissioners shall receive from the Register of the Land Office land warrants, each calling for not less than fifty, nor more than two hundred acres, which at the state price shall amount to the sum appropriated as aforesaid; and upon any contract made in pursuance of this act; they shall at such time and in such manner as they shall think proper, assign and set over any or all of said land warrants.

Auditor to give warrants for the same. **Sec. 5.** The Register shall not issue land warrants in pursuance of this act, until the Auditor of public accounts shall audit the amount, and have given his warrant on the Register for the same, and which the Auditor of public accounts is hereby required to do.

[Commissioners to report to the county courts, and settle with the county court of Floyd. **Sec. 6.** *Be it further enacted,* That the commissioners shall at least twice in each year, report specially to the county court of each of the counties of Lawrence, Floyd and Pike, respectively, their proceedings under this act, which report shall be noted on the record of such court; and when the commissioners shall have exhausted the amount hereby appropriated, they shall settle with the county court of Floyd, by producing certificates from the clerks of the courts of the counties of Lawrence and Pike, of the amounts noted on their records as having been expended, which added to the amount noted on the records of the county court of Floyd, shall be prima facie evidence of the amount thus expended by the said commissioners, subject to be disproved by any individual; and the attorney for the county court of Floyd shall attend to such settlement on the part of the commonwealth.

Sec. 7. *Be it further enacted*, That the commissioners aforesaid shall severally be allowed the sum of one dollar and fifty cents for each day they shall necessarily be engaged in discharge of the duties required of them by this act, which they are authorized to receive from the Register of the Land Office in land warrants, at the state price: *Provided however*, that they shall not receive any of said land warrants until they shall have made satisfactory proof to the county court of Floyd, Pike or Lawrence counties, of the number of days they shall have been employed in discharge of their duty as commissioners as aforesaid, a certificate of which shall be presented to the county court of Floyd county, and shall be recorded in the clerk's office of said court, and shall be evidence of the amount which each of said commissioners are entitled to for their services: and upon the production of a copy of such certificate to the Auditor he shall audit the same, and issue his warrant upon the Register for the quantity of acres each commissioner is entitled to, specifying therein the amount for the services of each commissioner as certified by said county court: *Provided*, that the land warrants appropriated by this section of this act shall not be located in any other county or counties than Floyd, Pike or Lawrence.

Sec. 8. The commissioners hereby appointed may receive any donations or subscriptions towards improving the navigation of said river, not exceeding one thousand dollars; and the said commissioners in disbursing all sums for the purposes herein mentioned, shall begin at the junction of the Louisa and Tug forks, and continue improving the said river until the sums appropriated shall have been exhausted, or until they shall have reached the said mill of Spencer Adkins.

CHAP. DCCVII.

An ACT for the divorce of Aaron Ernest, Elizabeth Noel, and William Thompson.

Approved, January 7, 1824.

Preamble.

WHEREAS it is represented to the present General Assembly of the Commonwealth of Kentucky, that Celia Ernest, the wife of Aaron Ernest, has abandoned him, and is living with another man, in the state of Missouri: Therefore,

Aaron Ernest divorced.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage between Aaron Ernest and Celia, his wife, shall be and the same is hereby totally dissolved and set aside.

Whereas it is represented to this General Assembly, that Armstrong Noel, with cruel and inhuman treatment, drove his wife from his protection to that of her father, and then obtained a divorce in the Trigg Circuit Court, on a charge of abandonment: Therefore,

Elizabeth Noel divorced.

Sec. 2. *Be it further enacted,* That Elizabeth Noel be, and she is hereby divorced from her said husband, and restored to all the privileges of a *feme sole*.

William Thompson divorced.

Sec. 3. William Thompson, of Scott county, be and he is hereby divorced from his wife Nancy Thompson.

CHAP. DCCVIII.

An ACT to establish the County of Spencer.

Approved, January 7, 1824.

Spencer county established, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the fifteenth day of January, 1824, all that part of the counties of Nelson, Shelby and Bullitt, contained in the following bounds, to-wit: Beginning at the mouth of Crooked Creek, thence with the Franklin and Shelby line eleven miles, thence with a straight line to Ruble's plantation, including said

plantation, thence with a straight line to John Carlan's plantation, including said plantation, thence with a straight line to a point in the Shelby and Jefferson line, two miles above the north-east corner of Bullitt county, thence with the Shelby and Jefferson line to the north-east corner of Bullitt county, thence with the Shelby and Bullitt line, until it strikes the road leading from Shepherdsville to Frankfort, thence with the said road to John Con's, thence with a straight line to the mouth of Dutchman, thence to meander Salt River to Clark's Ripple, thence with a straight line to Joseph Loyd's, on the east fork of Coxe's Creek, thence to meander the east fork of Coxe's Creek, to the Roman Chapel, thence with a straight line to Jesse M'Crocklin's plantation, including the said plantation, thence with a straight line to a point one mile north of the Big Spring Meeting-house, thence to continue the line in the same course until it strikes the Washington and Nelson line, thence with the said line to the beginning corner—shall be one distinct County, called and known by the name of Spencer.

Sec. 2. The justices of the peace for the county of Spencer shall meet at the house of Leander Murphy, in Taylorsville, on the third Monday in January, one thousand eight hundred and twenty-four; and after taking the necessary oaths of office, and after qualifying their sheriff, they shall proceed to appoint a clerk, to whose permanent appointment a majority of all the justices in commission, in and for said county, must concur; but if such majority cannot be had in favour of any one, then the Court may appoint one *pro tem*.

First county court when to be held, &c.

Sec. 3. The County Court for said county shall be held on the third Mondays in every month, except the months in which the Circuit Court shall be held; and the Circuit Court shall be held on the third Mondays in February, May and September, and may sit six juridical days, if the business require it, and shall form a part of the ninth judicial district.

County and circuit courts when to be held.

Sec. 4. The Circuit and County Courts of Nelson, Shelby and Bullitt and the justices of the peace therein, shall have jurisdiction in law or equity, instituted prior to the commencement of this act.

Courts &c. of Nelson, Shelby and Bullitt to retain jurisdiction, &c.

Sec. 5. It shall be lawful for the sheriffs, constables and collectors in the counties of Nelson, Shelby

Sheriffs &c. process, as the law directs, which may be in their hands at the commencement of this act, and account for the same according to law.

Sec. 6. The County Court of Spencer shall appoint commissioners of tax for the year one thousand eight hundred and twenty-four, who shall be governed by the laws on that subject.

Sec. 7. Robert Mosely of Ohio county, Thomas Joyes of Jefferson county, Raphael Lancaster and Jesse Abell, of Washington, and Elijah F. Nuttall, of Henry county, shall be appointed commissioners, to ascertain and fix on the most suitable place for the permanent seat of justice of Spencer County, who shall meet at the house of William Jewell, on the third Monday of January, one thousand eight hundred and twenty-four, for that purpose; and after a majority shall agree upon any place, they shall report to the County Court; and it shall be the duty of the County Court, as soon as practicable thereafter, to cause the necessary public buildings to be erected, and lay off, and do that which may be necessary and lawful in the establishment of a town.

Sec. 8. The commissioners aforesaid shall be entitled to the sum of two dollars per day each, for every day they may be necessarily employed in the discharge of their duties; to be levied for their benefit, at the first laying of the county levy. The Courts for the County of Spencer, shall be held at the house of Leander Murphy, until the necessary public buildings are erected.

CHAP. DCCIX.

An ACT to revive and amend the Champerty and Maintenance law, and more effectually to secure the bona fide occupants of land within this Commonwealth.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That no person shall sell or purchase by deed of conveyance, or contract, or bonds for the sale, or hand, or executory contract, any pretended title or

right to land, of which any other person than such vendor or vendee shall, at the time of such sale or purchase, have possession, adverse to the right or title so sold or purchased; and every deed, conveyance, bond or contract, made, executed or entered into in violation of this section, shall be void—and no right of action shall accrue to either party, under such deed, conveyance, bond or contract.

purchase of land where possession is in another who holds under a title adverse to the title or claim of the vendor declared void.

Sec. 2. It shall not be lawful for any person or persons, to contract, or undertake to recover, or carry on any suit for the recovery of any such pretended right or title to land as aforesaid, of which adverse possession is held under conflicting title as aforesaid, for or in consideration to have part or profit thereof: and the parties to such contract shall forfeit all right, title, interest or claim in or to the land claimed under such pretended right or title, and all right to maintain any action or suit at law or equity, upon such pretended right or title; and such right, title or claim shall vest in the Commonwealth, and enure to the benefit of the person in possession without office found.

Contracts to carry on suits where adverse possession is held under conflicting titles to be void and title forfeited to the state for the use of the person in possession.

Sec. 3. That the person or persons in adverse possession according to the provisions of the first and second sections of this act, his or their heirs or assigns, or the person or persons, his or their heirs or assigns, under whom such occupant or his heirs or assigns claim or hold, may shew or plead the sale or purchase of any pretended right or title in violation of the first section of this act, or any contract or agreement made in violation of the second section of this act, in bar of any action or suit, or claim founded thereon, and the better to enable the defendant or defendants in any such suit to avail himself, herself or themselves of the benefit of this act, it shall be lawful for such defendant or defendants to bring the parties to the sale or purchase mentioned in the first section of this act, and the parties to any contract made in violation of the second section of this act, before the court, and compel a discovery on oath, of any such sale or contract.

Persons in possession may plead such sale or purchase in bar to any action.

May call on the defendant to make discovery on oath.

Sec. 4. That neither party to any contract made in violation of the true intent and meaning of the second section of this act, shall have any right of action or suit thereon.

No action to be had on any contract made in violation of this act.

Sec. 5. That so much of every act or acts as comes within the perview of this act shall be, and

Repealing clause.

Proviso.

the same is hereby repealed. *Provided however, and be it further enacted,* That a devisee of land, shall not be deemed to come within the provisions of this act, but a devisee of land and his heirs may take and hold the same in the same manner as if this act had never been passed.

No discovery made under this act to be used in a criminal prosecution.

Sec. 6. *Be it further enacted,* That no person who may be compelled to discover according to this act, shall be subjected by such discovery to any criminal prosecution or punishment imposed for the offence of Champerty or Maintainance, by the existing laws, nor shall such discovery be used in any criminal prosecution.

Persons in possession may contract for outstanding adverse titles.

Sec. 7. It shall be lawful for any person possessed of lands or tenements, or the reversion or remainder thereof, to take or bargain to take, any outstanding title, of any other person, so far, and so far only as it may confirm his former estate.

Commencing clause.

This act shall commence and be in force from and after the first day of July next.

Preamble.

Whereas the various and multiplied conflicting claims to land, derived under the laws of Virginia, are lamentable evils, tending greatly to discourage settlements, improvements and cultivation, and by reason of the confusion of claims to the same lands, the good people of this Commonwealth have been and are likely to be, for a long time to come, greatly vexed, harrassed and taxed with litigation, and the consequent expenditure of time and money: and whereas the equitable laws of this Commonwealth, made in favor of innocent bona fide occupants and possessors, so necessary to meet the actual condition of the country, and soften the hardships and evils resulting from the undigested and misconceived plan of the state of Virginia, for granting her vacant lands, have been, by the Supreme Court of the United States, declared contrary to the compact of Kentucky with Virginia, and therefore contrary to the constitution of the United States: and whereas the state of Virginia has refused to constitute the board of commissioners according to the eighth article of the said compact, for determining the disputes and complaints about the meaning and execution of the articles of the compact: by all which considerations, and by that solemn duty of protection which every government owes to its citizens, against injustice and impending calamities; this

Commonwealth is called upon reluctantly to exercise her sovereign power over the lands lying within her territorial jurisdiction, by enacting forfeitures for want of cultivation and improvement; which power she has hitherto forborne to exercise, by substituting other acts of Legislation, which seemed to her councils more liberal and less severe; but which laws have been stigmatized as breaches of good faith, by those who knew not the situation of the country, nor the urgent circumstances, nor the spirit of forbearance which characterized them: Therefore,

Sec. 8. *Be it further enacted*, That every proprietor or claimant of any tract of land within this Commonwealth, whether such proprietor be a resident or non-resident, a citizen or not a citizen of this Commonwealth, shall, before the first day of August in the year 1825, cause each and every tract of land of more than one hundred acres, claimed by him, her or them to be actually cultivated and improved, by clearing, fencing and tending at least five acres for each and every such tract, and by belting or chopping the trees, except such as may be required for rails to enclose the same, in at least ten acres for every thousand acres in every such tract or tracts: *Provided also*, that when such tract or tracts of land shall be in the Barrens or the greater proportion thereof, the proprietor or proprietors shall, instead of the belting or deadening above prescribed, enclose with a good and sufficient fence or enclosure, at least ten acres for every thousand acres by him, her or them claimed and so proportionally, whether the same be in woodland or barrens, for a greater or less quantity contained in every tract; and every claim, right, title and interest in and to any and every tract of land which shall not be demonstrated, made public and accompanied by such actual cultivation and improvement by such proprietor or claimant, knit to and connected with the claim, interest or title to the land so set up, by such resident or non-resident, citizen or not citizen of Kentucky, by the said first day of August 1825, shall thenceforth and immediately after the said day be, and the same is hereby declared to be forfeited to this Commonwealth, and the title vested in this Commonwealth, without any inquisition or office found, or judgment, as fully and in as ample a man-

Proprietors of lands to improve and cultivate them within a limited time under the penalty of forfeiture.

Land forfeited to the Commonwealth for want of cultivation within the period limited.

ner as might or could be done by inquisition of office and judgment entitling this Commonwealth.

Preamble

And whereas from the well known fact, that various and multiplied conflicting claims to the same land do exist, and it is not to be supposed in law that two or more conflicting adversary claimants, can, at the same time, be in the actual possession of and cultivating and improving the same lands ; wherefore the Legislature ought to provide some rule for such cases, of a precedent possession of one claimant, to the exclusion of the possession, cultivation and improvement of the adversary claimant of the same land.

Title to land forfeited vested in the person in possession.

Sec. 9. *Be it further enacted*, That in all cases where there are two or more adversary claimants, one of whom is the possessor, cultivator and improver, so as to save his claim and interest from forfeiture, according to the provisions of this act, and the other claims and interest and title, which conflicted therewith, are forfeited, for want of cultivation and improvement, according to the eighth section of this act, all the estate, right, title and interest so by forfeiture to this Commonwealth derived, shall be taken and held to be in, and is hereby declared to be vested in such possessor, cultivator and improver, holding title to said land under bona fide purchase, by written contract or deed, or holding by descent or devise under a bona fide purchaser as aforesaid, and shall operate to extinguish and silence such conflicting or forfeited claim or claims without further act done or grant made from this Commonwealth of and upon such forfeiture.

But if the person whose title is forfeited shall agree to abide by the occupying claimant laws of 1812, 1816 and 1820 &c. and to give the person in possession a lien on the land for improvement then the forfeiture to be released.

Sec. 10. *Provided however*, And it is declared and enacted, that if such adversary claimant or claimants whose rights, interests or claims shall be as aforesaid forfeited, for want of cultivation and improvement, shall desire to litigate the claim, right, title and interest of said occupant, cultivator and improver, in law or in equity, as being prior to his claim so forfeited, and shall in court, file and exhibit, by himself or herself, or his or her agent or attorney, a written engagement, under hand and seal, to the occupant or occupants before suit commenced or before judgment rendered, where suit has already commenced, that he, she or they so being plaintiff, demandant or complainant, or lessor of the plaintiff, as the case may be, claiming against such

occupant, cultivator and improver, will abide by and conform to the provisions contained in the act of the General Assembly of Kentucky, passed the 31st day of January 1812, entitled, "an act to amend an act entitled, an act concerning occupying claimants of land," and that the assessment therein directed may be made either by a jury or by commissioners according as the court shall direct, and consenting moreover that the occupant shall have a lien upon the land for payment of the balance which may appear according to the principles of said act, to be found in favor of said occupant or occupants, , and also to abide by the provisions of an act of the General Assembly of Kentucky, approved, February 8th 1816, entitled, "an act to authorize the guardians of infants and committees of Idiots and Lunatics to execute bonds and convey lands in certain cases ;" and also the act of the General Assembly of this Commonwealth, approved February 9th 1819, entitled, "an act to amend an act entitled, an act concerning occupying claimants of land ;" and also shall by said writing engage and stipulate with the occupant or occupants, that although the said occupant or occupants shall be unable to trace his, her or their title back to the Commonwealth by a connected title in law or equity, yet he, she or they shall be entitled to the benefit of the principles of all the said recited acts ; *Provided*, he, she or they shall ^{Provided.} be bona fide occupant or occupants, being a bona fide purchaser or bona fide purchasers, by written contract or deed, or holding the same by descent or devise, under a purchase made by written contract or deed as aforesaid, which engagement shall be entered of record in the said court ; then, and in that case the said occupant or occupants shall not be permitted to plead or rely upon the said forfeiture to the Commonwealth, but suit or trial shall proceed ; and if it shall appear the plaintiff or plaintiffs, demandant or demandants, complainant or complainants or lessor or lessors of the plaintiff, as the case may be, has or have the better right to the land, the cultivation and improvement of said occupant or occupants, shall inure to the benefit of said successful claimant or claimants, such successful claimant or claimants complying with the aforesaid stipulations, and the court shall accordingly render judgment or decree in favor of such claimant or claimants, and

such successful claimant or claimants, shall be entitled to any execution or other process after the lien hereby given to the occupant or occupants may have been discharged, to which he, she or they would be entitled if this act had not passed.

Defendants may plead this act in bar to all suits now or hereafter commenced for lands held under adverse titles when they are occupied as aforesaid.

Proviso.

Sec. 11. *And be it further enacted,* That in any suit now pending or hereafter to be commenced, either at law or in equity, under an adverse claim against any cultivator or improver, occupant or occupants of land, in possession under a bona fide purchase, by written contract or deed of record or claim derived from the Commonwealth, or by descent or devise under a bona fide purchaser as aforesaid, it shall and may be lawful for such defendant or defendants to plead this act or rely upon it, under the general issue, or by bill in equity after judgment or decree against him, her or them, to insist upon the forfeiture and lapse to the Commonwealth by this act accrued, in bar of such adverse claim or claims, title or titles, with this *Proviso*, that in case the stipulations in the tenth section contained, shall be complied with and entered of record, then the person claiming adversely to such occupant, improver and cultivator, shall have all the benefits of said tenth section to save the forfeiture.

Saving to infants, females &c.

Disability of one co-partner, tenant in common or joint tenant to save but his or their own interest.

Proviso.

Sec. 12. The rights and individual interest of every infant, feme covert, and person of unsound mind, shall be saved and preserved until two years from the time their respective disabilities are removed; which said time of two years is allowed them to complete their improvement and cultivation as required by this act: *Provided however*, that the disability of any parcener, joint tenant, or tenant in common or other co-complainant, shall not save any but his or her per part: *And provided also*, that none but those who are within the disabilities and savings as aforesaid, at the passage of this act, or who shall hereafter come to their rights, titles or interests or claims by inheritance or devise, before forfeiture accrued, and they being so disabled, shall be allowed the said further time of two years, provided for in this section.

No cultivation of the occupant to save the proprietor from the

Sec. 13. *And be it further enacted,* That no improvement or cultivation, made or to be made by any occupant or occupants of land, shall inure to the benefit of any proprietor or claimant of any tract or parcel of land, so as to save such proprietor or

claimant from the consequences and forfeiture for want of cultivation and improvement by this act declared, unless such occupant or occupants shall have taken protection under such proprietor or claimant, as his or her tenant, or unless such proprietor or claimants shall pay to such occupant or occupants, the value of his, her or their improvements, to be assessed by two disinterested freeholders, and their umpire to be chosen by such proprietor or claimant and such occupant or occupants.

Sec. 14. *Be it further enacted*, That none of the forfeitures herein declared, shall be applied to cases of controversy between lessor and lessee, mortgagor and mortgagee, vendor and vendee, trustee and person or persons for whose use or benefit any trust may be declared.

Sec. 15. *Be it enacted*, That nothing in this act contained shall be construed in any wise to modify, alter or change the laws heretofore enacted concerning the limitation of actions.

Sec. 16. *Be it further enacted*, That the act entitled, "an act to amend an act concerning occupying claimants of land," passed twentieth December, one thousand eight hundred and twenty, be, and the same is hereby repealed; and the provisions of the act passed the thirty-first of January, one thousand eight hundred and twelve, entitled, "an act concerning occupying claimants of lands," which were repealed by that act, be, and the same are hereby declared to be in full force: *Provided however*, that where there is any survey, on which no settlement can be made on account of its being flooded land, the provisions of the first section of this act shall not apply; nor shall a citizen proprietor, actually residing on or in possession of one of his surveys, be compelled to cultivate or improve a second or other survey or tract, on which there is no conflicting claim or adverse title.

forfeiture unless such occupant be the tenant, or the claimant pay for the improvements.

Not to apply to cases between landlord and tenant.

Not to alter the law limiting time of bringing actions.

Act of 1820 concerning occupying claimants of land repealed.

Occupying claimant law of 1812 declared to be in force.

Proviso.

CHAP. DCCX.

An ACT to change the terms of the Woodford Circuit Court.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court for the county of Woodford, shall hereafter commence on the second Mondays of March, June, and September in every year, and continue twelve juridical days at each term, if the business may require it.

CHAP. DCCXI.

An ACT to alter the time of holding certain Circuit and County Courts.

Approved, January 7, 1824.

Courts of *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the circuit courts of the county of Morgan, shall commence on the second Mondays in April, July and October, and continue six juridical days if the business require it.

Pike county. The circuit courts of Pike county shall commence on the third Mondays in the same months and continue six juridical days if the business require it.

Lawrence. The circuit courts of Lawrence county shall commence on the Mondays next after the fourth Mondays in the months of April, July and October, and continue six juridical days if the business require it.

Greenup. The circuit courts of Greenup county shall commence on the first Mondays in April, July and October, and continue twelve juridical days if the business require it.

Provisions concerning process. Sec. 2. All writs, recognizances and process which are or shall be sued out before the first term of either of the said circuit courts, as directed by this act, and returnable to the days of the said courts for the counties aforesaid, heretofore directed by

law to be held, shall be returnable and returned to the first term of the several courts as directed by this act to be held, and there shall be no discontinuance of any suit, writ, process or motion depending or to be made or issued in the said courts, by reason of the alterations made by this act, in the terms of holding said courts.

Sec. 3. The county courts in each of the aforesaid counties, shall be held on the Mondays in each month throughout the year, except those in which the circuit courts are to be held: *Provided* however, that the county courts of Lawrence county shall be held on the second Mondays in each month except the months of May, August and November; and that this act shall not take effect until from and after the first day of April next.

Sec. 4. So much of the act passed on the 4th day of December, one thousand eight hundred and twenty-two, as directs that cases in chancery should be only finally heard at the June term of the Adair circuit court be, and the same is hereby repealed and the former laws in relation to said court are hereby revived in as full and ample a manner as if the said recited act had never passed.

CHAP. DCCXII.

An ACT to increase the allowance to indigent pupils in the Asylum for the education of the Deaf and Dumb, and for other purposes.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the Kentucky institution for the tuition of the deaf and dumb, shall hereafter be entitled to receive for the support and maintenance of each indigent pupil that now is, or may hereafter be admitted into said institution; the sum of one hundred and fifty dollars, in lieu of the sum now allowed by law.

Sec. 2. It shall and may be lawful for the trustees of said institution to receive pupils from other states: *Provided*, the expense of their maintenance and tuition be defrayed by such state or states, or by some individual or society. *Provided*, that such

admission shall not operate to the exclusion of any indigent pupil of the state of Kentucky, until the number of such shall be twenty-five, for which number provision is herein made.

Sec. 3. That to aid said trustees in the erection or procurement of suitable buildings, the sum of three thousand dollars is hereby appropriated, out of the interest accruing from the literary fund.

Money appropriated.

CHAP. DCCXIII.

An ACT concerning the Bank of Kentucky, and the Bank of the Commonwealth.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the president and directors of the Bank of the Commonwealth of Kentucky, continue the calls upon the debtors to said bank and branches; at the rate of one per cent per month on the sums originally borrowed by such debtors respectively.*

Bank of the Commonwealth to continue their calls on debtors.

Sec. 2. It shall be the duty of the president of the Bank of the Commonwealth of Kentucky, and of the president of the Bank of Kentucky, each to require of the presidents of the branches of their respective banks, to transmit to them all the notes which they or either of them may hold on the mother bank, or its branches, belonging to the said institutions respectively, on the first days of May and October, in the year one thousand eight hundred and twenty-four.

A quantity of paper of both banks to be transmitted to principal banks and cancelled.

Sec. 3. It shall be the duty of the presidents and directors of said principal banks, and they are hereby authorized and required to keep, and safely preserve in deposit in the vaults of their respective banks, all the notes so transmitted from the branches as aforesaid, as well as all the notes on hand in the mother banks not otherwise appropriated:— and the notes so deposited, shall be considered as withdrawn from circulation, subject however to await the counting and final disposition of the Legislature. And the officers of the branches, as well as those of the principal banks, in the discharge of the

Paper to be kept until further order of the legislature

duties prescribed by this act, shall be governed by an act entitled, "An act concerning the Bank of Kentucky, and the Bank of the Commonwealth of Kentucky," approved fifth December, one thousand eight hundred and twenty-two; except so much of said act as requires the cancelling by burning, and so much as relates to the periods of transmission as aforesaid, which is hereby repealed.

Sec. 4. Hereafter it shall not be necessary or requisite to protest any note discounted at the Bank of Kentucky, or any of its branches, or at the Bank of the Commonwealth, or any of its branches, for non payment; and no fee shall accrue or be allowed for such protest.

Not to protest their notes under discount.

Sec. 5. The officers of the Bank of the Commonwealth of Kentucky and its branches, shall, after the first day of January, one thousand eight hundred and twenty-four, receive their salaries quarterly.

Officers of the Commonwealth's bank to be paid quarterly.

Sec. 6. It shall be the duty of the president and directors of the Bank of the Commonwealth, and the president and directors of each branch thereof, and they are hereby required to call upon each president and director who may have been, now is, or may hereafter be, in office in said bank or branches, and who may be indebted to said bank or branches, in such a ratio as to extinguish his respective debt at the same time at which the other debtors to said institution are, by the charter, required to pay off and extinguish their debts respectively.

Directors of said bank and branches to pay calls.

CHAP. DCCXIV.

An ACT for the benefit of Sheriffs.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several "sheriffs" within the bounds of the thirty-first senatorial district, shall be and they are hereby entitled to the same fees for comparing the polls for a senator in said district, in the year 1823, as are allowed them for comparing the polls for members of congress, any law or usage to the contrary notwithstanding; and to be paid in the same manner.

Sec. 2. Hereafter, when a senatorial district shall be composed of more counties than one, the several sheriffs in such districts shall be, and they are hereby entitled to the same fees for comparing the polls for any senator in said districts, and for travelling to and from the place of comparison, as they are now allowed by law for similar services, in comparing the polls for a member of congress, payable in like manner.

CHAP. DCCXV.

An ACT to repeal all laws allowing a replevin of two years on contracts entered into after the first day of June next.

Approved, January 7, 1824.

Three months replevin allowed on contracts executed after 1st June.
Proviso.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of June next, all laws, or parts of laws, allowing a replevin of two years, or for a longer or greater time than three months, be and the same are hereby repealed as to all contracts, obligations, or causes of action which originate after said period, except as to notes, bonds, or obligations given or renewed in any bank or corporation within this commonwealth.

Clerk or justice to endorse the date of contract on the execution.

Sec. 2. It shall be the duty of any clerk or justice of the peace, issuing any execution upon judgments obtained upon contracts, or causes of action originating after the said first day of June, 1824, to endorse on the execution in substance as follows: "This execution is issued on a judgment obtained by virtue of a contract, or cause of action, (as the case may be,) which originated since the first day of June, 1824;" and the officer holding the same shall be governed accordingly.

Real estate to be valued
Proviso.

Sec. 3. All real estate taken by execution under the provisions of this act, shall be valued by the commissioners appointed by the county courts, at its value in gold or silver, subject to the rules and regulations contained in the "act to regulate endorsements on executions," approved December 21, 1821: *Provided*, that in all cases where the defendant or defendants fails or refuses to replevy for

three months; as allowed by this act, the real estate so taken under execution shall be sold on a credit of three months: *Provided*, the same will command three-fourths of its value so assessed by the commissioners aforesaid.

Sec. 4. Nothing in this act shall be so construed as to change or effect the operation of an act entitled, "an act to amend an act entitled, an act regulating endorsements on executions," approved December 7, 1822.

CHAP. DCCXVI.

An ACT declaring Dick's River navigable.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, Dick's river shall be considered, and is hereby declared navigable from Roberts' mill on said river, to its mouth, and shall be kept open and free for the passage of boats up and down the same; and if any person or persons whatsoever shall put any dam or other obstruction in said river calculated to impede the navigation of the same, except as is hereinafter provided, for every such offence shall forfeit and pay the sum of three dollars for every twenty-four hours such dam, or other obstruction, shall be permitted to remain in said river, which sum may be recovered before any justice of the peace, or circuit court, as each may have cognizance of the sum claimed; one half to go to the informer, and the other half to the lessening the county levy—and every such obstruction shall be removed. And if any person or persons should be desirous of erecting a dam or dams across that part of said river as above described, for the purpose of mills, or other water works, they shall be permitted to do so: *Provided however*, that no mill dam shall be built across said river, unless such dam is provided with a good and sufficient lock or locks, in such manner as will afford a safe and convenient passage for large flat boats of sixty feet in length, and wide in proportion: *Provided also*, that no dam

What part navigable.

Penalties how recovered.

Stovise: shall be built across said river more than eight feet high for any water works.

**Further pro-
viso.** Sec. 2. That nothing in this act contained shall be so construed as to effect or impair the rights or interests of any person or persons who may have legally erected a dam across the said stream, for the purpose of establishing mills, or other lawful purpose, or who may have obtained from any county court an order permitting him or them to erect such dam or water works.

CHAP. DCCXVII.

An ACT for the benefit of Robert Kinkead.

Approved, January 7, 1824.

Recital. WHEREAS it appears to the present General Assembly, that the Commonwealth of Kentucky is justly indebted to Robert Kinkead, jailor of Woodford county, in the sum of one hundred and ten dollars, for keeping, maintaining and burying a negro-man slave, committed to jail as a runaway; and that there is no law authorizing the Auditor to pay him: Therefore,

**Sum of money
allowed him.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Auditor of public accounts be, and he is hereby directed to issue his warrant to the said Robert Kinkead for the sum of one hundred and ten dollars, which the Treasurer shall pay out of any money in the Treasury not otherwise appropriated by law.

CHAP. DCCXVIII.

An ACT to lay off the State into Electoral Districts.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That this state shall be divided into three districts, for the purpose of electing fourteen electors to choose a President and Vice President of the United States, in the fol-

following manner, viz :—The first district shall have four electors, and be composed of the counties of Cumberland, Adair, Casey, Barren, Monroe, Warren, Allen, Simpson, Logan, Butler, Todd, Christian, Trigg, Hopkins, Henderson, Union, Caldwell, Livingston, Hickman, Graves, Calloway, Muhlenburg, and Wayne. The second district shall have five electors, and be composed of the counties of Knox, Harlan, Clay, Perry, Madison, Garrard, Lincoln, Rockcastle, Pulaski, Mercer, Washington, Shelby, Nelson, Henry, Jefferson, Bullitt, Hardin, Breckenridge, Grayson, Green, Hart, Ohio, Whitley, Oldham, Meade, and Daveiss. The third district shall have five electors, and be composed of the counties of Woodford, Pike, Lawrence, Floyd, Morgan, Greenup, Lewis, Mason, Bracken, Campbell, Boone, Gallatin, Owen, Franklin, Scott, Harrison, Nicholas, Bourbon, Fayette, Jessamine, Clark, Estill, Montgomery, Bath, Fleming, Pendleton, and Grant.

Sec. 2. *And be it further enacted,* That the qualified voters in this commonwealth shall meet in each of the said districts at their respective court houses, or place appointed by law, for holding elections in their respective precincts within each county, on the second Monday in November next, and vote for the number of electors for President and Vice President hereby authorized to be elected in said districts, who shall be residents of the districts in which they may be elected as electors to vote for President and Vice President of the United States. The same rules and regulations shall be observed by the several sheriffs, clerks, judges and voters as is provided by law in electing members to the General Assembly.

Sec. 3. *And be it further enacted,* That the several sheriffs holding elections in election precincts, shall meet on the fifth day inclusive after the commencement of the election, and there make faithful addition of the number of votes taken in their counties. And the sheriff in each county shall, on the tenth day inclusive after the commencement of the election, meet as follows: Those in the first district, at the court house of Logan; those in the second, at the court house of Lincoln; and those in the third at the court house of Bourbon; and then and there compare the polls of their respective districts, in

First district

Second

Third

Where voters
to meet.

Sheriffs of
precincts
when to meet.

Sheriffs of
several dis-
tricts where
to meet.

the same manner and under the same rules and regulations, and in case of failure subject to the same penalties, as are prescribed by law in electing members to congress; and shall certify under their hands and seals, the persons elected in their several districts. And it shall be the duty of the sheriff of the county where the polls are compared, to transmit such certificates of election to the Secretary of State within six days after such meeting of the sheriffs, under the penalty of two thousand dollars, to be collected by motion in any court having cognizance of the same, ten days previous notice being given; and the Secretary, on the receipt of such certificate, shall cause the names of those persons so elected, to be published in the "Argus of Western America," the paper of the public printer.

Names of electors to be published.

Electors when and where to meet.

Their allowance.

Electors to be notified.

Sec. 4. *And be it further enacted*, That the electors so elected, shall meet at the State House, in the town of Frankfort, on the first Wednesday in December thereafter, and vote for a President and Vice President of the United States, and make return thereof agreeable to the law of the United States in that case made and provided. And the sheriff, for attending and comparing the polls under this act, shall be entitled to the same allowance, and paid in the same manner, as for attending and comparing polls for members of Congress; and each elector shall be allowed two dollars for every twenty-five miles he shall necessarily travel, and three dollars per day while attending in Frankfort as an elector—for which the Auditor is hereby directed to issue his warrant on the Treasury.

Sec. 5. *Be it further enacted*, That the sheriff of any county in which any person chosen as an elector shall reside, shall give such elector or electors notice, in writing, of his being elected, within four days from the day of comparing the polls; and on failure shall be subject to be fined one thousand dollars, by any circuit court of this commonwealth, ten days previous notice being given him that a motion will be made.

CHAP. DCCXIX.

An ACT to establish the town of Mayfield in Graves county and to provide for the sale of the lots.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Anderson, Richard Reiger, Isaac Darnielle, Joshua Shelton and Crawford Anderson, gentleman, be, and the same are hereby appointed Trustees of the town of Mayfield in the county of Graves, and the Register of the Land-office of this Commonwealth is hereby authorized and directed to issue a grant to the Trustees aforesaid for the southeast quarter of section ten, in township three north, range one, east of the principle maridian, who shall not sell or dispose of the same in any other manner than is directed by law, and the town laid off on the same by the Commissioners agreeable to an act of Assembly, approved December 19, 1821, is hereby established by the name of Mayfield.

Town established and trustees appointed.

Register to issue grant.

Sec. 2. The Trustees appointed by this act shall in all things respecting the same, be governed and regulated by the provisions of an act entitled "an act to establish the town of Waidsboro in the county of Calloway, and to provide for the sale of lots," approved, December 11, 1822.

Duties and powers of trustees.

CHAP. DCCXX.

An ACT to legalize the proceedings of the Woodford county court at their January Term 1824.

Approved, January 7, 1824.

WHEREAS, it appears to the present General Assembly, that Richard Fox sheriff of Woodford county, failed at the January court past, to execute bond according to law, till the court have adjourned, and have signed the adjourning order ; when the fact was discovered the said Fox, on the same day, called the court together, who again opened the court by rescinding the order of adjournment and

Recital.

took the bond of said Fox as sheriff, and for the collection of the county levy and revenue, and doubts existing whether the bond so taken would be legal and the said Fox wishing to be bound thereby : For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act of the county court of Woodford, in-taking the bond of the said Fox, shall be, and the same is hereby legalized and the bonds so taken, shall have all the effect and force that they would have had if they had been executed before the first adjournment of said court.

CHAP. DCCXXI.

An ACT to change the venue in the case of John Williams.

Approved, January 7, 1824.

Preamble. WHEREAS, it is represented to the present General Assembly, by the petition of John Williams, that he stands charged in the Fayette circuit court for maiming one of his negro slaves, and also for a misdemeanor in consequence thereof, and that owing to existing prejudices in said circuit against the said Williams it is apprehended that he cannot obtain a fair and impartial trial : Therefore, for remedy whereof,

Change of venue. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the next circuit court held in and for the county of Fayette, to which he is at present recognized to appear, the said John Williams appearing in court to answer said charge or indictment, may, and he is hereby authorized and allowed to make his election whether he will be tried in the Jessamine circuit court or not.

Regulations if to be used in Jessamine. Sec. 2. That if the said John Williams shall, in open court, when the question of election is put to him by the Judge of the Fayette circuit court, elect to be tried in the Jessamine circuit court, he shall enter into a recognizance, himself and securities, in the penalty that he now stands bound for, to appear on the first day of the succeeding term of the said Jessamine circuit court, and there remain and abide,

until discharged by due course of law, his said election shall be entered of record, and the clerk of the said Fayette circuit court shall make out a certified copy of the orders of court and of the recognizance, to be sent with the indictment and other papers belonging to said prosecution, to be sent to the clerk of the Jessamine circuit court in the manner hereafter directed, and all the witnesses on behalf of the Commonwealth shall also be recognized to appear on the first day of the said Jessamine circuit court, attested copies of which recognizances and papers shall be transmitted to the clerk of the Jessamine circuit court, and be as binding and subject to the like proceedings as other legal recognizances are.

Sec. 3. That as soon as practicable after said Williams makes his election, the clerk of the Fayette circuit court shall make out a copy of all papers and orders of court, relative to said prosecution, and deliver it to the sheriff of his county and take his receipt therefor, who shall, as soon thereafter as possible, deliver the same to the clerk of the Jessamine circuit court, who shall issue a venire facias and all other process as in other cases, and the circuit court of Jessamine shall have the same power and jurisdiction of the offence, as the circuit court of Fayette now has, and the trial shall be had as in other cases : *Provided*, that Williams shall pay the sheriff of Fayette, five dollars, which shall be in full of all expences for transmitting said papers.

Duties of clerk and sheriff.

Sec. 4. That in case the sheriff or clerk of the Fayette circuit court, shall fail to perform the duties required by this act, they shall forfeit and pay the sum of \$100 each, to be recovered by motion on reasonable notice given, and verdict of a jury, in the Fayette circuit court, which fine and sum of money shall go towards lessening the county levy.

Penalties of clerk & sheriff.

CHAP. DCCXXII.

An ACT for the benefit of the heirs of David Davidson.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of*

the Commonwealth of Kentucky, That one half the state price and the interest be, and the same is hereby remitted on a survey of 400 acres, made in the name of David Davidson, on head right certificate No. 504, and the patent shall issue to the heirs of said Davidson, upon the said heirs producing the Treasurers receipt for the other half of the state price of said land, without interest: Provided, that nothing herein contained shall any way be so construed as to effect or impair any legal or equitable claim which the widow of said Davidson may have to said land.

CHAP. DCCXXIII.

An ACT for the benefit of the Stockholders of the Farmers and Mechanics Bank of Logan and for other purposes.

Approved, January 7, 1824.

Recital.

WHEREAS, it is represented to the present General Assembly, that the commissioners appointed by the stockholders of the Farmers and Mechanics Bank of Logan, under and by virtue of an act of the Legislature, to wind up the concerns of said bank, passed on the day of 18 have not given security for the faithful discharge of their duty, and that they have hitherto failed to make a settlement of the affairs of said bank, and as the real situation of the institution is entirely unknown: For remedy whereof.

Former act repealed in part.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act entitled, "an act providing for bringing suits by and against Independent Banks," approved, February 14th, 1820, as authorizes the appointing of Commissioners to settle the affairs of the Farmers and Mechanics Bank of Logan, shall be, and the same is hereby repealed, except that it shall not authorize the dismissal of any suit either in law or equity, which may now be pending in any of the courts of this Commonwealth, wherein the present commissioners are either plaintiff or defendants, but the suits instituted in their name shall be prosecuted*

in their name under the management of the commissioners hereafter to be appointed, and to receive all monies which are now due and which may hereafter become due said institution.

Sec. 2. That Thomas S. Slaughter, David Caldwell and William L. Sands be, and they are hereby appointed, to settle up the affairs of the said bank, who, before they enter upon the duties of their appointment, shall enter into bond in the Logan county court, in the penalty of thirty thousand dollars, conditioned for the faithful discharge of the duties enjoined by this act; upon which bond all and every person who shall be injured by a breach of its condition, may bring suit in any court of competent jurisdiction.

Commissioners appointed

Sec. 3. It shall be the duty of the commissioners hereby appointed as soon as they have entered into and executed bond, to call upon the former commissioners for a settlement of their accounts and a surrender of all money, books and papers belonging to said institution, who, upon receiving the same, shall receipt therefor to the former commissioners, and within two months thereafter, make a complete expose of the situation of said bank, which shall be kept and be at all times subject to the inspection of the stockholders.

Their duties and powers:

Sec. 4. It shall be the duty of the said commissioners to collect the money which may be due the said institution, by suit or otherwise, and to apply the same to the discharge of the claims against said institution, and every six months make out a fair estimate of the real situation of said institution, and report the same to the judge of the Logan circuit court.

To collect and pay off claims.

Sec. 5. If the aforesaid commissioners fail to make an expose according to the provisions of the fourth section of this act, of the situation of the bank, then upon bill filed by one or more stockholders of said institution, they shall be required to make on oath, a full and fair disclosure thereof.

To make an expose.

Sec. 6. If said Slaughter, Caldwell and Sands or either of them shall fail to give the security required by this act, or having given it shall afterwards decline acting, that then and in that case, the judge of the circuit court of Logan shall be authorized to make an appointment or appointments to fill the vacancy, and the person or persons so appointed,

If commissioners fail to fact circuit judge to fill vacancy.

shall be governed by the provisions of this act, in the same manner as the persons hereby appointed are.

Former commissioners not discharged from their liabilities.

Sec. 7. The former commissioners of said bank shall not hereby be discharged from any liabilities which they or either of them may heretofore have incurred, but that full and complete redress may be had against them or either of them by any creditor or stockholder in said institution for any misapplication of the funds thereof.

Commissioners may institute suits.

Sec. 8. The commissioners appointed under this act or any two of them, in the name of said corporation, shall have authority to collect the debts due said institution, and for this purpose may institute any suit or suits in law or equity, that they may submit matters of controversy, to arbitration or compromise therein, and make such arrangements as may be deemed necessary or most advisable for the final liquidation and adjustment of the affairs of said corporation.

May hold property in trust.

Sec. 9. The said commissioners shall have power to buy and receive titles to, and hold any property, either real or personal, in trust for the benefit of said corporation, and they are hereby authorized to sell, dispose of and convey the same to any person or persons purchasing the same, and apply the proceeds thereof to discharge the claims against said corporation.

Logan circuit court invested with jurisdiction.

Sec. 10. That the circuit court of Logan shall be authorized to make any decree touching the affairs of said corporation as may be just and equitable, and for this purpose is hereby invested with full power to take jurisdiction in all cases that may relate thereto, subject to an appeal or writ of error as in other civil cases.

Time allowed to wind up.

Sec. 11. That so much of the act approved January 26th, 1818, establishing Independent Banks and the act supplemental thereto as gives authority to said institution to sue at law or in equity, shall be hereby revived, to continue in force for three years from the passage of this act: *Provided*, that the President and Directors or commissioners as the case may be, will endorse upon the notes or bills due the bank, for which they are respectively appointed, that notes of the bank of the Commonwealth of Kentucky or its branches will be received in discharge of the same, and where judgment or decree

Provide.

may be rendered in favor of said institution, or where suits may now be pending, file in the suit, their written assent to receive the paper of the bank of the Commonwealth or its branches in discharge of said judgment or decree, now rendered, or which may be rendered, but not otherwise; and it shall be no defence to any suit instituted by the President and Directors of said institution, or by the commissioners heretofore appointed, or by the commissioners appointed by this act, that said corporation had not gone into operation agreeably to the above recited act, that holding of the note by said commissioners or corporation, shall be evidence of its having been discounted, unless the defendant or defendants shall prove to the contrary.

Sec. 12. That the appointment of John T. Langhorn as President of the bank of Limestone shall be, and the same is hereby confirmed, and the election of William B. Philips, Johnston Armstrong, John Sumrall, Chancey B. Shepard, James S. Armstrong, William M. Points, William M. Tureman, and Andrew M. January as directors shall be, and the same is hereby confirmed, and the proceedings of said officers are hereby legalized; and they shall be at liberty to hold their said offices for one year from the first day of February next, and vacancies in the mean time, occasioned by death or resignation, may be filled by the balance of said board, and the power and authority given by the eighth and ninth sections of this act, to the commissioners of the Farmers and Mechanics bank of Logan, are hereby given to and invested in the above named President and Directors of the bank of Limestone for the purposes specified in said sections.

Election of officers in bank of Limestone confirmed.

Their duties and powers.

Sec. 13. And whereas it is represented by a majority of the Stockholders of the Independent Bank of Greenville that they are desirous of closing the concerns of said institution, in a just and summary way, for which purpose they have recently had a meeting, and it appearing from a satisfactory statement of the situation of said Bank that the whole of the original stocks has been paid up, and that there still remained considerable dividends of profit due numbers of the stockholders. It was unanimously resolved that the debtors to said bank agreeably to the statement aforesaid, should severally execute in lieu of their notes in bank, bond, with

Recital concerning bank of Greenville.

such security as James Weir, president thereof should approve, to the creditors of said institution, payable in twelve months with interest from the date, and if any of the debtors aforesaid, should fail to comply with the provision aforesaid, that then Lewis R. Richards, cashier of said bank should have authority to assign over the note or notes of any debtor or debtors so failing, to the unsatisfied creditors, agreeably to their claims. And whereas doubts have arisen as to the legality of their proceedings, and whether the holders of the notes so assigned, could coerce payment: Therefore,

Be it further enacted, That the agreement and resolutions aforesaid, entered into by the stockholders of the bank aforesaid, on the eighteenth of November, one thousand eight hundred and twenty-three, shall be, and the same are hereby declared valid and binding in law, and where any note has been or may be assigned by said cashier pursuant to the resolutions aforesaid, the assignee or holder thereof, shall have power in his own name, to sue on and recover the amount of the same, as fully and completely as said bank could have done, had such assignment never been made.

Sec. 14. That the farther time of three years from and after the first day of March next, shall be and the same is hereby allowed the several independent banks in this commonwealth, to wind up and close their concerns; any law to the contrary notwithstanding: *Provided,* the President, Directors and Company of said independent banks, or the commissioners, or any person or persons appointed to wind up the same, shall be governed by the eleventh section of this act, and shall make the endorsements and statements required by said section.

Sec. 15. Said commissioners shall receive for their services, as said circuit court of Logan may think proper to allow.

This act shall be in force from and after the first day of February next.

Compact among stockholders declared valid.

Three years allowed independent banks to wind up.
Proviso.

Fees of commissioners in Logan.

CHAP. DCCXXIV.

An ACT supplemental to an act establishing the County of Spencer.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Spencer shall be entitled to nine justices of the peace; and after the first day of February next, the county courts shall be held on the second Monday in every month in which there is no circuit court. Number of justices allowed.

Sec. 2. The voters of the county of Spencer shall be entitled to vote for members of Congress in the same district in which they were entitled to vote before the establishment of said county. Where to vote for members of Congress.

CHAP. DCCXXV.

An ACT to add a part of the county of Floyd to the county of Morgan, and for other purposes.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, all that part of the county of Floyd, included in the following boundary, to-wit: Beginning at the head of the Rock-house fork of Licking, on the line between the counties of Morgan and Floyd; thence a straight line, crossing the Open fork of Paint creek, at the head of the cliffs, to the Lawrence county line; thence with said line to the Morgan county line; thence with said line to the beginning, shall be added to, and form a part of the county of Morgan. Boundary.

Sec. 2. *Be it further enacted,* That it shall and may be lawful for the sheriff of Floyd county, to collect all revenue tax and county levy, which is due from the citizens resident in that part of Floyd county which is by the first section of this act, added to the county of Morgan; under the same rules and regulations that they should have done, had not this act passed. And the said sheriff of Floyd county Collection of revenue.

shall moreover be bound to account for the said revenue tax and county levy, in the same manner that they would have done had not this act passed.

Morgan. Sec. 3. *Be it further enacted,* That the county of Morgan shall be entitled to one justice of the peace and one constable in addition to the number now allowed by law.

CHAP. DCCXXVI.

An ACT for the benefit of Nancy Cravens.

Approved, January 7, 1824.

Recital. WHEREAS it is represented to the present General Assembly, that Jeremiah Cravens obtained a certificate from Green county court, in 1801, for three hundred acres of land, upon certificate No. 128; that he departed this life many years ago, leaving Nancy Cravens his widow, and a large family of children; that the said Nancy is in indigent circumstances: Therefore,

Land donated. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land Office be, and he is hereby authorized and directed to issue a grant to the said Nancy Cravens, for the aforesaid three hundred acres of land, without the state price being paid thereon: *Provided however,* that the right to said land shall descend to the heirs of said Jeremiah Cravens, at the death of said Nancy, in the same manner as it would have done if the grant had issued to the said Jeremiah Cravens in his life time.

Proviso.

CHAP. DCCXXVII.

An ACT to apply the nett profits of the Bank of the Commonwealth, for the year 1824, in aid of the public revenue.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the president

and directors of the Bank of the Commonwealth are hereby directed to pay into the public Treasury, the whole amount of the nett profits of said bank accruing for the present year; that is, from the tenth day of October, one thousand eight hundred and twenty-three, to the tenth day of October, one thousand eight hundred and twenty-four; and also the interest on the literary fund, to be derived during the same period: which monies are to be applied in aid of the public revenue.

The president and directors to pay the profits of the bank for the year 1824 into the treasury, to be used as revenue.

Sec. 2. *And be it further enacted*, That so much of the act, entitled "an act to establish a literary fund, and for other purposes," approved December eighteenth, one thousand eight hundred and twenty-one, as applies one half of the nett profits of the Bank of the Commonwealth, to the purpose of raising that fund, is hereby suspended in its operation for and during the period above mentioned, and no longer: *Provided*, that nothing in this act contained shall effect special appropriations heretofore made by law, out of that part of the profits of the Bank of the Commonwealth not set apart as a literary fund.

The act of 1821, establishing the literary fund suspended for one year.

Proviso.

CHAP. DCCXXVIII.

An ACT authorizing certain County Courts to hold additional terms.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county courts of Mercer, Woodford, Washington, Nelson, Shelby, Logan and Masen, be and they are hereby authorized to hold three additional terms annually, on the same days and in the same months that the circuit courts of said counties hold their terms.— And the said county courts shall hold their terms in some room in their respective court houses, which shall not be occupied by the circuit court, if convenient, if not, in some room to be procured for that purpose adjacent to the court house square.

Certain circuit courts to have additional terms.

Sec. 2. That the county courts of Madison and Christian be, and they are hereby authorized to hold three additional terms annually, on the Mon-

Terms for Madison and Christian.

day proceeding the commencement of their respective circuit courts:

CHAP. DCCXXIX.

An ACT supplemental to the act fixing the ratio and apportioning the representation for the ensuing four years.

Approved, January 7, 1824.

Jefferson and Oldham. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the counties of Jefferson and Oldham shall be entitled to a senator and three representatives; and the qualified voters of Oldham shall vote at their court house, or place of holding courts in said county, for members of Congress and representatives in the General Assembly; and the sheriff of Oldham shall meet at the court house in Jefferson, in three days after the elections, to compare the polls for representatives, and shall meet and compare the polls for members of Congress in the manner prescribed by law.

Hickman, Galloway and Graves. Sec. 2. The county of Graves shall be added to the counties of Hickman and Calloway, for the purpose of electing one representative, and the polls for that district shall be compared at Graves court house.

Hardin and Meade. Sec. 3. The counties of Hardin and Meade shall be entitled to two representatives and to one senator; and the voters in Meade shall vote at their court house or place of holding courts in said county, for members of Congress and representatives, and the polls shall be compared at Hardin court house.

CHAP. DCCXXX.

An ACT to authorize the Clerk of Hickman County Court to transcribe certain records.

Approved, January 7, 1824.

WHEREAS it is represented to this General Assembly, that the records of the county of Hick-

man, (owing to the loss of the record books on their passage from Frankfort to the Iron Banks,) have been kept in an unbound book : Therefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the clerk of the Hickman county court be, and he is hereby authorized to transcribe into a well bound book, to be procured by the county court for that purpose, all the records of the county court aforesaid; for which he shall be allowed one cent for every twenty words so transcribed, to be allowed and paid out of the county levy.

What records to be transcribed.

Fee therefor.

CHAP. DCCXXXI.

An ACT further to regulate the town of Christiansburg, and for other purposes.

Approved, January 7, 1824.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the owners of lots in the town of Christiansburg, in Shelby county, are hereby authorized to elect trustees to said town, agreeable to the provisions of an act entitled "An act to establish the town of Bloomfield in Nelson county, and for other purposes," approved February 5th, 1819; and that the trustees so elected, shall be governed by the rules and regulations prescribed by the before-recited act; and shall moreover continue in office until their successors are duly elected.

Trustees to be elected and their powers.

Sec. 2. *Be it further enacted,* That so much of the law establishing an election precinct in the northern part of Shelby county, which requires the election to be held at the house of James Wilson, shall be and the same is hereby repealed; and that hereafter the election in said precinct shall be held at the house of George D. Bondurant, in the town of Christiansburg.

Place of holding election changed.

CHAP. DCCXXXII.

An ACT for the benefit of John Anderson.

Approved, January 7, 1824.

Allowance
to assistant
judge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Anderson, one of the assistant judges for Hickman county, be allowed the sum of two dollars for every thirty miles he may have necessarily travelled from his place of residence, in going to and returning from holding court in said county at their February, May and November terms in the year 1823, to be certified by the clerk of said court, in addition to the compensation now allowed by law; to be paid out of the public treasury.

CHAP. DCCXXXIII.

An ACT for the benefit of certain Seminaries.

Approved, January 7; 1824.

Recital:

WHEREAS it is represented to this General Assembly, that on the fourth day of February, 1812, the Trustees of the Casey Academy surveyed thirty-five acres of land, in Cumberland county, on the east side of Crocus creek; and that the Trustees of the Lewis Academy, on the 19th day of March, 1812, caused to be surveyed twenty-eight acres of land, in the county of Cumberland, on a branch called Miller's creek; and the trustees of the Liberty Academy, on the first day of January, 1812, caused to be surveyed twenty-three acres of land, in the county of Cumberland, on the north side of Cumberland river, on Miller's creek. And whereas, on the fourth day of February, 1812, the Legislature of Kentucky passed an act, prohibiting surveys for Seminaries being made for less than one hundred acres; and that the Register has refused to receive said plats and certificates of survey: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the

Land Office be, and he is hereby directed to receive the aforesaid platts and certificates of survey, and issue grants thereon in the same manner he would have done, if the before-recited act had not passed. Register to receive certain platts.

CHAP. DCCXXXIV.

An ACT concerning the Directors of the Bank of Kentucky.

Approved, January 7, 1824.

WHEREAS it appears, that, according to the second section of the act entitled "An act to amend and extend the charter of the Bank of Kentucky," approved the 26th December, 1820, no director of said bank can serve more than three years in succession; and at the last election for directors, on the part of the state, Achilles Sneed and Daniel Weisiger, and on the part of the stock-holders, John Brown and Robert Alexander, have been elected as directors to said bank for the year 1824; and they having served in said office for three consecutive years, by which they would be rendered ineligible, were not the Legislature to interpose; and as the services of the aforesaid gentlemen are desirable: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the second section of the above-recited act as disqualifies the aforesaid Achilles Sneed, Daniel Weisiger, John Brown and Robert Alexander from holding and exercising the duties of directors to Bank of Kentucky for the year 1824, to which they have been elected as aforesaid, be, and the same hereby suspended as to them; and they the said Achilles Sneed, Daniel Weisiger, John Brown and Robert Alexander, are hereby authorized and empowered respectively to enter upon and exercise their duties and office of directors as aforesaid. Allowance to the speakers of the Senate and H. R. To clerks. Committee per clerks.

Sec. 2. The second section of the above act, so far as the same applies to and operates on the directors, or those who may be elected to the branches of the Bank of Kentucky, the same is hereby repealed. House of Representatives. Sergeant at arms. Door keepers.

Bank prohibited from assigning off notes...

Sec. 3. It shall not be lawful for the President, Directors and Company of the Bank of Kentucky, to assign, transfer or pass over any bill, bond or note due said President, Directors and Company, payable either at the mother bank or at any branch of said institution, so as to change the times or proportions in which such bill, bond or note shall be payable according to the terms of the charter of said Bank of Kentucky, or the means by or with which such bill, bond or note might be paid, according to the rules or terms which the said President, Directors and Company may have prescribed to their other debtors in the payment of bills, bonds or notes which remain the property and in the possession of said President, Directors and Company, and not without the consent of the drawer, obligor, or promissor in such bill, bond or note so assigned, transferred, or passed over, and his, her or their endorser or endorsers.

CHAP. DCCXXXV.

An ACT for the benefit of the Sergeant of the Court of Appeals.

Approved, January 7, 1824.

Recital

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of one year be given to Richard Taylor, sergeant of the court of appeals, to pay into the Treasury the amount of the following executions, which have been collected by a deputy of his, and not accounted for, to wit: In favour of the Commonwealth against Nathan Montgomery, and against Benjamin Letcher. *Provided,* he files with the Auditor of public accounts, the written statement of his securities as-
sured to such indulgence.

for \$
dred
receit
fore,

Be it
monwealth

CHAP. DCCXXXVI.

An ACT supplemental to an act entitled "An act supplemental to an act apportioning the representation of this Commonwealth."

Approved, January 8, 1824.

WHEREAS the counties of Bullitt and Hardin were, before the passage of said act, entitled to one senator ; and whereas the said supplemental act declares that the counties of Hardin and Meade shall be entitled to one senator, to the exclusion of the county of Bullitt : Preamble.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Bullitt be, and the same is hereby added to the said counties of Hardin and Meade, to compose the senatorial district ; and that the sheriff of the said counties shall compare the polls of election, at the court house in Hardin county, in the manner and at the time provided by law. Bullitt, Hardin & Meade to form one senatorial district.

CHAP. DCCXXXVII.

An ACT for the appropriation of money..

Approved, January 8, 1824.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following sums be paid out of any money in the Treasury not otherwise appropriated, to-wit :

To the Speakers of the Senate and House of Representatives, four dollars per day each. Allowance to the speakers of the Senate and H. R.

To the clerks of the Senate and House of Representatives, sixty dollars per week each. To clerks.

To the clerks of the standing committees of the House of Representatives, twenty one dollars per week each. Committee clerks.

To the Sergeants at Arms of the Senate and House of Representatives, twenty-four dollars per week each. Sergeant at arms.

To the Door keepers of the Senate and House of Representatives, twenty four dollars per week each. Door keepers

Clerks. To the clerks of the Senate and House of Representatives, thirty-three dollars each for four days services after the session, in preparing the acts for publication and arranging the papers.

Clerk hire. To the clerks of the Senate and House of Representatives, thirty dollars per week each, for clerk hire during the present session.

A. Kendall. To Amos Kendall and Company, public printers, one thousand six hundred and seventeen dollars eighty seven and a half cents, in full for their services as printers up to this time, as per account rendered ; also five hundred dollars in advance for the ensuing year.

J. H. Holeman. To Jacob H. Holeman, public printer, one thousand three hundred and thirty-eight dollars and fifty cents, in full for his services as printer up to this time as per account rendered ; also seven hundred and fifty dollars in advance for the ensuing year.

R. Divine. To Roger Divine, three hundred and sixty-three dollars eighty-five cents, as per account.

L. Batchelor. To Littleberry Batchelor, for providing fuel, furnishing water, &c. for the Senate during the present session, eighty dollars.

G. E. Russell. To Gerves E. Russell, for stationary furnished the House of Representatives, one hundred and sixty-eight dollars and thirteen cents.

W. Wood. To William Wood, for stationary furnished the Senate during the present session, and for folding and stitching for the Legislature, two hundred and twenty-eight dollars and fifty cents, as per account rendered.

A. Crockett. To Anthony Crockett, for carrying writs of election to the thirty-first Senatorial district and for furnishing one hundred and ninety loads of wood three hundred and forty-five dollars.

Regis & William. To Reges and William (negro men) for services rendered the Legislature during the present session, fifteen dollars each.

J. H. Holeman. To J. H. Holeman for making an index to the acts of 1822, fifteen dollars.

T. Curry. To Thomas Curry for one hundred copies of the decision of the Supreme Court, on the occupying claimant laws, fifty dollars.

H. Sanders. To Hugh Sanders for carrying a writ of election to Owen county, four dollars.

To Thomas A. Freeman, for summoning witnesses in the case of General Simrall, ten dollars.

To Thomas Rodman, for summoning witnesses in T. Rodman.
the same case, five dollars.

To John Trumbo, one hundred and ten dollars J. Trumbo.
for his services as the agent of the Governor of this
state for apprehending and bringing from the state
of Ohio, Jacob Funk, a fugitive from the justice of
this state.

To A. C. Keenon, for stitching certain documents A. C. Keenon.
by order of the Senate, fifty eight dollars and twen-
ty-five cents, as per account rendered.

To the Editors of the Argus and Commentator, Editors of Ar-
fifty dollars each, for newspapers furnished the Le- gus and Com-
gislator. mentator.

To the joint committee to visit the Deaf and who visited
Dumb Assylum at Danville, fifty four dollars. the Assylum at
Danville.

To the joint committee appointed to visit the Uni- Committee
versity and Hospital at Lexington, ninety dollars. who visited
T. University.

To the committee appointed to visit the Hospital Committee
at Louisville, thirty dollars. who visited
the Hospital
at Louisville.
S. Beckham.

To Simon Beckham, for ringing the State House
bell at day light and at ten o'clock at night, during
the session ; also, for the same services when di-
vine worship was held in the capitol, fifteen dollars.

To Benjamin P. Buckner, for removing George B. P. Buckner
Nixon, by order of the justices of Jefferson county,
from the jail of said county, in which he had been
confined upon a charge of felony and from which he
had escaped, fifty dollars, including travelling ex-
penses, guards and horse hire.

To Bourne Goggin deputy sheriff of Pulaski B. Goggin.
county, the sum of ten dollars and eighty cents, for
travelling one hundred and eighty miles, in going
to and returning from the seat of government to
convey to the Secretary of State a certificate of the
election of a member to represent the ninth Con-
gressional district, in the 17th Congress of the Uni-
ted States.

To the Rev. William Holeman, one hundred dol- Rev. W. Hole-
lars for preaching to the convicts in the Penitentiary man.
from October 1822 until the present time.

To the Quarter-master General, for two years Quarter-mas-
office rent at the rate of fifty dollars per annum, ter general.
thirty-four dollars thereof to be paid to the widow of
the late Quarter-master General.

To the Adjutant-General, fifty dollars for the rent Adjutant gen-
of an office during the last year. eral.

To Thomas Shockley, for hauling the Monument

T. Shockey. of the late Governor Scott to Bourbon county, eighty-five dollars and twenty-nine cents.

Whereas Sproule, Armstrong and Co. subscribed one thousand dollars towards defraying the expenses of rebuilding the capitol, and paid said sum to the commissioners superintending the public works, and it appears that Charles Sproule one of said firm has departed this life utterly insolvent, leaving four children, orphans and infants entirely dependant and without means of education except so far as derived from the Liberality of relations : Therefore,

Heirs of C. Sproule.

Be it enacted, That the Auditor of public accounts be, and he is hereby directed to issue his warrant upon the Treasury in behalf of the guardian of the said orphan children of said Charles Sproule, for one thousand dollars, for the use benefit and advantage of said infants, and the said Treasurer is directed to pay said one thousand dollars out of any money in the Treasury not otherwise appropriated.

To treasurer

The Auditor of public accounts be, and he is hereby directed to give the Treasurer a credit on his books for forty-three dollars and eighty-nine cents to defray the said Treasurers expenses while engaged in procuring the funds agreeably to the act of the Legislature.

W. P. Roper.

To William P. Roper for his expenses whilst attending at Lexington on business of the Lunatic Asylum, twenty-five dollars.

J. Wight.

The sum of two thousand four hundred dollars be, and is hereby appropriated to pay whatever sum John Brown, John Harvie and John J. Marshall may deem it just to allow James Wight for covering the wall around the Penitentiary, and the Auditor is directed to issue his warrant for the amount certified.

Agent Penitentiary.

That the Auditor of public accounts be directed to credit the agents of the Penitentiary for the amount of his commissions on the sum of sixty-nine dollars and twenty-five cents, the price of articles furnished for the room of the Court of Appeals.

A. C. Keenon & W. Wood.

To William Wood and Adam C. Keenon, for binding one thousand copies of the acts for the present session, three hundred dollars each ; also fifty dollars each for binding one hundred copies each of the journals of the present session, one half of which sums shall be paid in advance and the balance upon their producing to the Auditor, the Secretary's cer-

tificate of the delivery of the number of copies hereby authorized to be bound by each of them : *Provided*, that if the full number of copies allowed to be bound by each of the persons above named shall not be furnished the Secretary, a deduction at the rate of thirty cents for each copy of acts, and fifty cents for each copy of journals so wanting, shall be made.

To Jacob Burres, for apprehending three fugitives from justice and money expended, one hundred and three dollars. J. Burres.

To Ben. Hickman, for paving done in front of the public square, ninety-nine dollars. B. Hickman.

To William B. Duncan, for retaking — Van- W. B. Duncan
dever a fugitive from justice, fifty dollars.

To Littleberry Batchelor for furnishing crape L. Batchelor
furnished the Senate, twenty-three dollars.

To Ephraim M. Ewing twenty-five dollars, for money paid witnesses from Tennessee in the prosecution of John Stovens for counterfeiting bank bills. E. M. Ewing.

To Wight and Ratliff, for making seats in the Senate lobby, thirty-seven dollars forty-nine cents. Wight and Ratliff.

CHAP. DCCXXXVIII.

An ACT to authorize the insertion of certain advertisements in the Newsletter and Telegraph..

Approved, December 29, 1823.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any advertisements, which are required by law to be published in a news-paper, to be inserted in the Newsletter a paper printed in Glasgow, Barren county, and Telegraph a paper printed in Harrodsburg, and that the Editors of said papers shall be entitled to the same fees and be governed by the same regulations as other printers in this Commonwealth : Provided, that nothing herein contained, shall be construed so as to authorize the insertion of such advertisements as are particularly required by law to be published in the paper of the public printer.

OMITTED ACTS.

FRANKFORT, January 19, 1824.

SIR,

WE have discovered that a part of a section of the penal laws, fixing the punishment for Larceny of four dollars and upwards, and an act providing for the redemption of Land sold for taxes, although prepared for the press and intended to be published, have been casually omitted in printing the Digest of the Statutes; therefore request that you will print them with the acts of the last session.

WM. LITTELL,
J. SWIGERT.

MR. J. H. HOLEMAN,
Public Printer.

Part of the sixth section of the act of 1798, yet in force. (2d Litt. 12.)

Punishment
for larceny.

"Every person convicted of Simple Larceny to the value of four dollars and upwards, or as accessory thereto, before the fact, shall restore the goods and chattels so stolen, to the rightful owner or owners thereof, or shall pay to him, her or them the full value thereof, or so much thereof as shall not be restored, and moreover shall undergo a similar confinement, for a period not less than one, nor more than three years.

CHAP. CCCXXXIX.

An ACT providing for the redemption of land sold for Taxes.

Approved, November 28, 1806.

(3d. Littell, 335.)

Lands sold for
taxes, may be
redeemed in
two years.

Sec. 1. *Be it enacted by the General Assembly,* That the sales of lands hereafter made for taxes, shall be subject to the right of redemption by the owner or owners, or any person in his, her, or their behalf, upon the terms and in the manner following: the redemption may be effected at any time within two years from the day of the sale of the particular

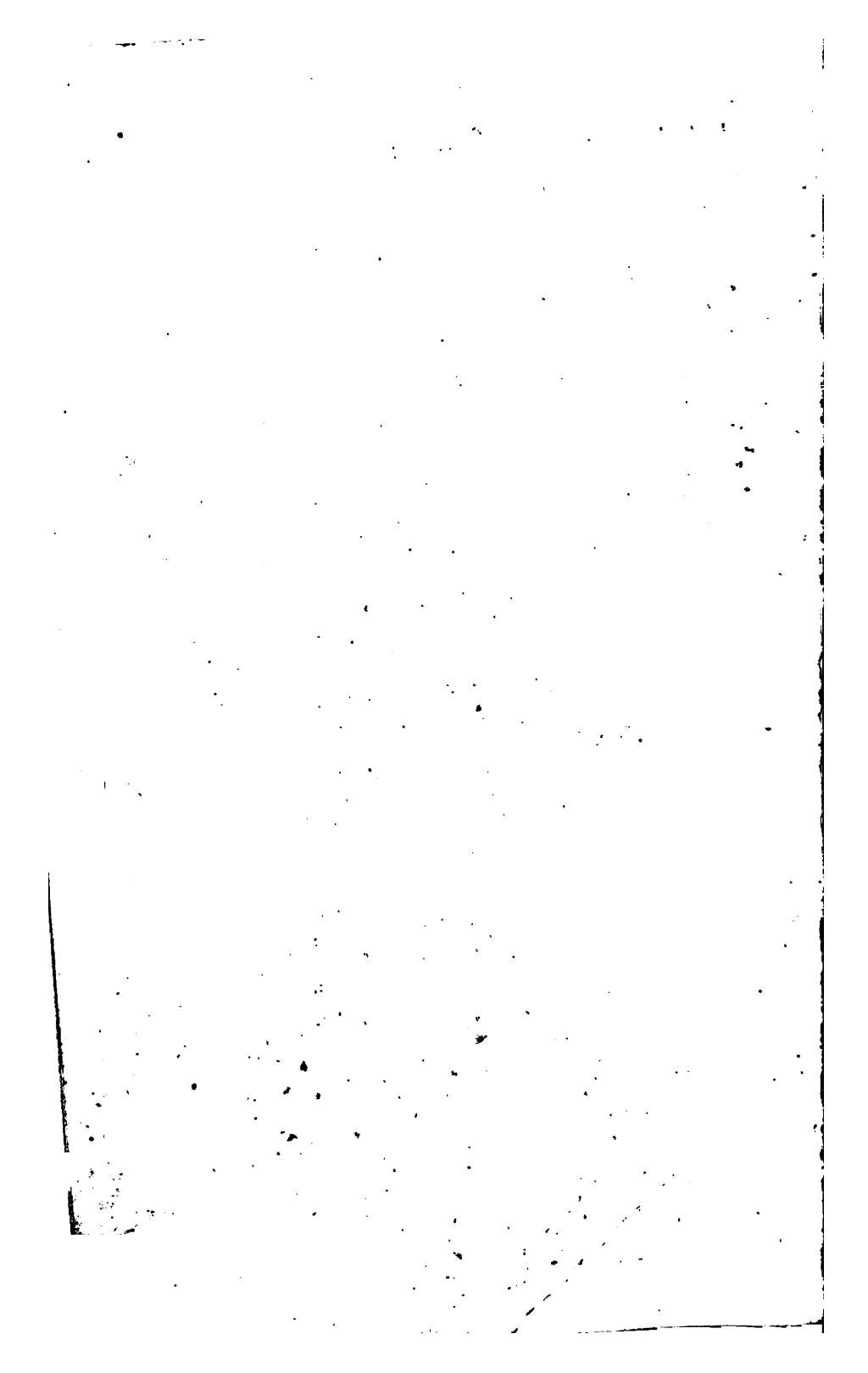
tract proposed to be redeemed, by the payment of the amount of the tax, interest and charges for which the land was sold, with interest thereon, after the rate of 100 per cent. per annum, to be calculated from the day of the sale to the period of redemption, and by payment of the tax which may have accrued subsequent to the sale. The payment of the money shall be made to the Treasurer, who shall grant a receipt therefor to the person making it, which shall be lodged with the Auditor of public accounts, whose duty it shall be to deliver to the person redeeming, a certificate of his having deposited the said receipt in his office ; and to raise an account of all the monies thus paid into the Treasury for the redemption of lands sold as aforesaid ; and the purchaser, his assignee or representatives, shall, upon application to the Auditor, be entitled to a warrant upon the Treasurer for the redemption money paid in for the particular tract redeemed.

Subject to 100 per cent interest, if sold to an individual.

For want of bids to be stricken off to the state.

Sec. 2. That all tracts of land exposed to sale, which shall not be sold to individual purchasers for the want of sufficient bids, shall be stricken off by the Register or Sheriff, as the case may be, to the Commonwealth, subject, however, to the same right of redemption at any time within two years, by the owner or owners, or any person in his, her, or their behalf, by paying into the Treasury the amount of the tax, interest and charges, for which the particular tract was sold, with interest thereon, after the rate of 50 per centum per annum, from the day of sale to the time of redemption, and by payment of the tax which may have accrued subsequent to the sale ; and the person redeeming, shall obtain the same receipt from the Treasurer, and certificate from the Auditor, and the Auditor shall raise a similar account as is herein before directed in the case of the redemption of lands bought by individuals.

But may be redeemed in like manner subject to 50 per cent interest.



RESOLUTIONS.

A Resolution referring the report of the Trustees of the Deaf and Dumb Asylum to a joint committee.

Approved, November 14, 1823.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the report of the Trustees of the Deaf and Dumb Asylum, and the accompanying documents, be referred to a joint committee of four from the Senate, and eight from the House of Representatives, with power to report by bill or otherwise.

A Resolution appointing a joint committee to visit the Asylum for the education of the Deaf and Dumb.

Approved, November 14, 1823.

THE joint committee to whom was referred the annual report of the Trustees of the Asylum for the education of the deaf and dumb, having taken the same under their consideration; and viewing it as an institution of great importance to the state of Kentucky, as well as to the western country in general; and believing that an accurate knowledge of the methods of communicating information to mutes, would be better understood by a personal inspection of a committee of both branches of the Legislature; beg leave, (before they recommend ulterior measures,) to report in part the following resolution, viz:

Resolved by the General Assembly, That a joint committee of two from the Senate, and four from the House of Representatives, be appointed to visit the institution, and make report of the state and condition of the same, and such other matters as to said committee may seem interesting.

A Resolution to appoint joint committees to examine the different offices, and the Bank of Kentucky, and the Bank of the Commonwealth.

Approved, November 18, 1823.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a joint committee of two from the Senate, and four from the House of Representatives, be appointed, to

examine and report the state of the Treasurer's office; that four from the Senate, and eight from the House of Representatives, be appointed to examine and report the state of the Register's office; that three from the Senate, and six from the House of Representatives, be appointed to examine and report the state of the Auditor's office; that four from the Senate, and eight from the House of Representatives, be appointed to examine and report the state of the Penitentiary; that four from the Senate, and eight from the House of Representatives, be appointed to examine the Bank of Kentucky; and that four from the Senate and eight from the House of Representatives, be appointed to examine the Bank of the Commonwealth of Kentucky.

A Resolution appointing joint committees to examine the reports of the Bank of the Commonwealth and its branches.

Approved, December 1, 1823.

RESOLVED by the Senate and House of Representatives, That the Senators and Representatives residing within each bank district, for the Bank of the Commonwealth of Kentucky and branches, be a committee, whose duty it shall be to examine the reports from said bank and branches within their districts, and to make report of such examination to each branch of this General Assembly.

A Resolution authorizing the Keeper of the Penitentiary to employ the convicts to work on the walls thereof.

Approved, December 1, 1823.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the keeper of the Penitentiary be, and hereby is, permitted to employ any portion, at his discretion, of the convicts under his care, in working on the roof of the new wall of that building, at a fair price, under the direction of the undertaker of the work, who may limit the number he will pay, by contract.

A Resolution for appointing a committee to examine the Transylvania University.

Approved, December 5, 1823.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a committee of three from the Senate, and six from the House of Representatives, be appointed to examine the situation of Transylvania University. That it shall be the

duty of the committee to examine and report in what manner and for what purpose the funds of that institution, and the appropriation made at various times by the Legislature since the first of January, 1818, have been disposed of; and such other facts connected with the concerns of said institution, as the committee may deem important. And the said committee shall have power to send for persons, papers, and records, for their information.

A Resolution fixing a day for the election of certain officers.

Approved, December 5, 1823.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will on Thursday, the 10th of December, next, proceed to the election of Treasurer, Public Printers, Presidents and Directors of the Bank of the Commonwealth and its branches, and a President and Directors of the Bank of Kentucky.

A Resolution for appointing a joint committee to examine the Louisville Hospital.

Approved, December 5, 1823.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a committee of three from the Senate, and six from the House of Representatives, be appointed to visit and examine the Louisville Hospital; whose duty it shall be to ascertain and report the progress which has been made in the erection of the edifice, the amount of funds expended, the amount necessary to complete and furnish it, and such other information as shall be deemed important.

A Resolution in relation to the Penitentiary.

Approved, December 18, 1823.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the joint committee raised to examine and report the state of the Penitentiary, be instructed to enquire into and report the manner in which the funds appropriated by the last Legislature, have been expended; whether any, and if any what amount, of that appropriation yet remains to be disposed of; whether any work has been done and materials furnished, which have not been paid for out of said funds, and for which the state remains indebted; what is the probable costs yet to be incurred in finishing the repairs already begun; and

what mode suggests itself to said committee, as the most expedient and economical for finishing the necessary repairs to said institution.

A Resolution for appointing a joint committee to report the condition of the Lunatic Hospital.

Approved, December 11, 1823.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the committee appointed to examine and report the state and condition of Transylvania University, also report the state and condition of the Lunatic Hospital at Lexington.

Resolutions, requesting the attention of the General Government to the subject of slaves belonging to citizens of the United States, who have or may escape into Canada.

Approved, December 19, 1823.

WHEREAS, large numbers of slaves the property of the citizens of this commonwealth, escape from the service of their masters, and get into the British provinces of Canada, where they find protection, and where it is impossible for their masters to regain possession of them; and this evil of late has been growing to such enormous magnitude, that unless it is checked, may ultimately mar the peace and harmony which at present fortunately exists between the government of the United States and that of Great Britain: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives requested, to invite the attention of the executive department of the government of the United States to this subject; with a view to cause some arrangement, by treaty or otherwise, to be made with the government of Great Britain, for the delivering up to the owners of all such slaves as have or may escape from the citizens of this commonwealth, and be found in the said provinces of Canada.

Resolved, That the Governor be requested to cause a copy of the foregoing resolution to be forwarded to each of our Senators and Representatives in Congress.

A Resolution fixing a day for the election of Bank officers.

Approved, December 27, 1823.

WHEREAS, the reports of defaulting debtors and of other matters of information, required by resolution, from the different branches of the Commonwealth's bank, have not been made to the Legislature, in consequence of which, but few reports of committees, shewing the state and condition of said branches, have yet been made to either branch of the Legislature: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the resolution fixing on the 18th inst. for the election of Bank officers, Treasurer and Public Printers be rescinded, and that the 22d day of this month be fixed upon in lieu thereof.

A Resolution for the benefit of Jos. and Tho. Rotch.

Approved, December 27, 1823.

RESOLVED, by the General Assembly of the Commonwealth of Kentucky, That the Treasurer be directed to pay the claim of Joseph and Thomas Rotch, or any part thereof, in Commonwealth's paper, at a fair exchange not exceeding two for one.

Preamble and Resolutions of the Legislature of Kentucky, in relation to the late Decision of the Court of Appeals on the replevin and endorsement laws, and of the Supreme Court of the United States on the occupying claimant laws of said state.

Approved, December 29, 1823.

THE late decision of the Court of Appeals, pronounced in the cases of Blair vs. Williams, and Lapsley vs. Brashier, having been referred to in the communication of the Governor, demands the attention of the Legislature. In that decision, the existing remedial laws of the state, are declared to be unconstitutional, and void, in relation to all contracts made anterior to their enactment—The principle which it establishes, whether viewed in relation to its practical effects upon society, in its present embarrassed condition, or in relation to the exercise of legitimate power, by the departments, according to its distribution and apportionment in the constitution of the state, is entitled to such calm and vigilant scrutiny of the legislature—and if upon the scrutiny, those laws should be found to have been enacted, in contravention of any provision of, either the constitution of the state, or that of the United States, they should be forthwith repealed, and their place supplied by valid enactments:

But if on the contrary, they should be found to be not in conflict with any restraint, imposed upon legislative power, by either of the constitutions—and it should appear, that the judges in proclaiming them void, have transcended the limits assigned by the constitution to the exercise of judicial power—they should be informed of that fact, and admonished that their decision does not, as it ought not to vacate those laws. Their concurrence was not, by the constitution, necessary to their enactment. Their *veto* cannot vacate them; and they themselves have declared, in the case of *Banks vs. Oden*, that “while they would feel it their duty to pronounce any act of the legislature void, “which was manifestly in conflict with the constitution, they “feel a strong disinclination to encroach upon the province of the “legislature, by attempting to narrow its sphere of action, or “thwart its will. They cannot do it by construction, or *intendment*. The conflict of the law, with the constitution, must “be obvious and palpable, to induce them to make such declaration.” (See 1st Marshall, 551.) There is therefore high authority against the arrival, by construction, at the conclusion that a law is unconstitutional. The impulses of charity, and the dictates of reason, alike proclaim that the judges, when they entertain doubts, as to the constitutionality of a law, should presume that those who enacted it, were not less obliged than themselves, to preserve the constitution inviolate, and should give effect to the law. All the judges concur in the opinion, that the existing remedial laws are void, in relation to contracts, which were in existence at the time of their enactment—one of them declares all laws to be void which authorize replevins, or sales on credit, in any case whatever. Each supports his opinion, by his construction of the tenth section of the first article of the constitution of the United States, which, in the latter clause of it, provides “that no state shall pass any law impairing the obligation of contracts.” It will perhaps subserve the purposes of this enquiry, into the correctness of the decision, and accord better with correct notions of fitness, that it should be confined mainly to the reasoning of the chief justice, as he is the official organ of that court. He enquires, first, what it is that constitutes the obligation of a contract? and, second, does the act of Assembly impair that obligation? The act alluded to is that which allows a replevin of two years, when the endorsement that notes on the bank of the state, or commonwealth, will be taken, is not made. In answer to the first question, he asserts, with the writers upon ethicks, and the law of nature and nations, that obligations are, according to natural law, perfect, or imperfect; and with them asserts, that the obligation to gratitude and benevolence, is of the imperfect sort, and invests the person who claims the performance of its duties, with no right to exact

it by force ; that the performance of obligations of the perfect sort, may be exacted by violence, on the part of the person to whom the obligation is incurred ; that in civil society, the remedies afforded by the laws, are in substitution of the violence, which might, according to natural law, have been used for the enforcement of obligations of the perfect sort ; and that therefore, the obligation of a contract consists, *alone*, in the remedy afforded by the laws, for its enforcement ; or in his own language, "the legal obligation of the contract, evidently consists in the *remedy alone*. It can consist in *nothing else* ; for "if the remedy is withheld or taken away, the contract has no "legal obligation."

He illustrates his position by the effect which the statute of frauds and perjuries, and the statute of limitations, have upon the cases of contract, to which they apply ; and asserts, that the statutory denial of remedy to those cases, leaves them without any legal obligation. He instances also the case of simple contract without consideration, upon which at common law, no action will lie. In further illustration of his doctrine, he refers also to Evan's Pothier, part second, chapter first, as authority in its support.

The doctrine, and the cases cited, and referred to, for its illustration and support, remain to be examined. The doctrine of the chief justice, in relation to perfect obligations, and the right of enforcing them by violence, in a state of nature, according to natural law, is admitted to be correct, as is also his doctrine in relation to imperfect obligations : But it is insisted, that in the transition from a state of nature to the state of civil society, the obligatory force of moral obligations of the perfect sort, is not cancelled or annulled—on the contrary, the laws of nature, so far as they relate to moral obligations of that character, are incorporated in the municipal code by the social compact, ratified and enforced by the laws of society, as the best rules of action in social intercourse. Indeed they could not be annulled by society. They were enacted by the great law-giver of the Universe, not for the temporary use of man, while in a state of nature, but for the regulation of his conduct, in every state of association of which he is capable. They form a part of his moral sense, are identified with it, and have the sanction of that reason with which he was endowed by his beneficent Creator, as the rule of his conduct, and his guide to happiness. His social propensities unite with his reason, in proclaiming the obligatory force of the laws of nature, of the obligations which they impose, and their irrevocable character. The laws of civil society, so far as they constitute the rules of right, are no other than the laws of nature, more explicitly defined, and suited, in their re-enaction, to the condition of the people who com-

pose the society. Human laws, says Blackstone, are declaratory of the laws of nature.

Law, whether natural or municipal, is a rule of action, and its very existence, implies the obligation, on the part of those on whom it is imposed as a rule, to conform to it. The obligation which is denominated *legal*, results from, and is imposed by the laws of civil society. But the laws of civil society are but declaratory of the laws of nature: therefore, the obligation which results from the laws of nature, results also from the laws of civil society. When considered as resulting from the former, it is binding only in conscience, and is denominated a *moral obligation*; but when considered as resulting from the latter, it is denominated a *legal obligation*, and is externally binding.

The purpose for which civil society is formed, is the general *security*, and the general *interests* of the *whole*, and its *several parts*. Every man therefore, by consenting to make himself a member of civil society, agrees tacitly, or expressly, that these purposes shall be carried on, and that he will concur in carrying them on, by such measures as the common sense and understanding of society shall approve of and prescribe. Thus far, he is engaged only in a compact which obliges him by means of his own immediate consent; without which, he would be no party to it, nor be in any way concerned in its obligation. But by this compact he gives society a *legislative power* over him; that is, he gives it a right to prescribe such rules for his conduct, as the common understanding of society shall judge to be necessary, or conducive to the general good. And consequently, by the same compact he obliges himself to observe these rules, when they are so prescribed. Those rules of right, and of conduct, comprising the laws of nature, sanctioned by the compact, and proclaimed either by the re-enaction of them by society, or by their adoption by immemorial usage, become in society the rules of external obligation as to all the individual and social duties of man, in a state of civil society, and are obligatory upon all its members.

The right which individuals possessed in a state of nature, to enforce the performance of obligations of a perfect sort, having, by their entering into the social compact, been surrendered to civil society, constitutes its executive power, and is, unless otherwise disposed of by fundamental law, regulated by legislative prescriptions. It may be denominated the force of civil society, and is mediately or immediately under the direction of its understanding. The discretion which in a state of nature was associated with the power exercised by individuals in the enforcement of perfect obligations, having been surrendered by the compact, with that power, to civil society, constitutes the

general understanding of the society, and is denominated its legislative power; and as in a state of nature, it presided over, and directed the exertion of individual power, so in civil society it presides over and regulates executive power. The sovereign power of civil society is, by many jurists, divided into legislative and executive. The power which others denominate judicial, is by them assigned to the executive department. The civil power of the state of Kentucky, has by its charter, been assigned to three distinct bodies of magistracy: the legislative to one, the judicial to another, and the executive to a third. Neither is to exercise the power properly belonging to the other. The legislative in Kentucky, as in all civil societies where it exists, is the ascendant power. It is limited only by the restraints upon its exercise, which are to be found in the constitution. By that instrument, it is constituted a check upon the other departments—They are amenable to the legislature, and the members of the legislature, are amenable to the people, the legitimate source of sovereign power; hence the right of the legislature, to enquire into the decision which purports to vacate legislative enactments, and to secure the legislative province from invasion, from that quarter.

If the sentiment be correct, that the laws of nature are not repealed, or vacated by the social compact; but recognized and more explicitly defined, and promulgated in a state of civil society, than they were in a state of nature—and if it be true that law imposes on those, to whom it is prescribed, the obligation of conforming to it: then it would seem to follow, that the obligation of a contract between two persons in a state of nature, is deducible rather from that law of nature, which proclaims to man the necessity of complying with his just contracts, than from the right, which by the same law of nature, the other party to the contract, has to exact by force a compliance with it.—The obligatory force of the law upon the contracting parties, results from their freedom of agency—from their having, as free agents deliberately assented to the contract; and from the necessary influence of volition upon the destiny of free agents.—Besides, that man should be bound by the contract, to which he has freely assented, is even in a state of nature, necessary to the enjoyment of that social intercourse, for which he was evidently formed, and of that happiness, for which his organic conformation, and intellectual endowments so eminently qualify him,—His perfect obligation therefore to comply with such a contract may surely be more fairly inferred, from these considerations, than from the consideration, that a compliance with it might be exacted by the use of violence. Again, the right to use violence for its enforcement, is obviously *correlative* to the *obligation*, and *presupposes* its existence: for if there did not exist a

perfect obligation, there could exist no right to exert violence, (as in the case of the imperfect obligations of benevolence and gratitude.) There would be nothing on which to predicate the right to use it. Thence it would seem obvious, that the right to use violence, to enforce a perfect obligation, did not, even in a state of nature, constitute that obligation, but resulted from it in its pre-existing state.

Let a case illustrate the doctrine. B, a hunter, is about to commence an expedition in pursuit of game. C, a trapper has furs on hand which he is willing to exchange for skins. B, needs the furs : they are necessary to his comfort during the expedition, which he contemplates, but he is not in possession of the skins required by C, in exchange for them. C, lets him have the furs, upon a contract, that they are to be paid for in skins, when he returns from the contemplated expedition, in which he expects to take them. B returns from his hunting expedition ; has been unfortunate, and is unable to pay the skins —The time for their payment has expired. The obligation to pay them, is of the perfect sort. C has a right to exact reparation by violence. Does the right of C to use this violence, constitute the obligation of B's, contract? Or, does it result from the violation of the obligation of his contract? Most evidently from the latter.

Again, although C has a right to exact reparation by violence, is he bound to do it instantly? May he not, if he please, indulge B until he make another hunting expedition, and if he should not be successful in that, another, and another, until the skins can be obtained? And can his doing so be forbidden either by reason, or the charities of the human heart—Would it not, on the contrary, have the sanction of both? Let it be supposed that a contract analagous to the one just stated, has been entered into between two members of civil society. The obligation of the contract would not be less valid in the *civil*, than in the *natural* state. But the right, which the obligee had by the law of nature, to exact performance, or reparation for non-performance, by violent means, or to extend indulgence at his discretion, belongs by the social compact to the civil society, of which he and the obligor are members. The understanding and the force of civil society, which constitutes its legislative, judicial, and executive power, is composed solely of this right of indulging, or of exacting by instant force, the performance of the perfect duties, which existed amongst men in a state of nature, but which they surrendered when they became members of civil society.

In the case put between B and C, it cannot be asserted that it was incompetent for the latter, to indulge the former. It must be admitted, that it was even reasonable, and prudent in him, to

do so—and if it was not only competent, but reasonable and discreet in him, to forbear force, and extend indulgence; can it be contended that civil society, whose legislative and executive remedial power, consists of the very faculties, which were competently and with approbation exercised in the former case, cannot exercise it in the latter?

Let it not be forgotten that the violence, which the obligee may, by the law of nature, exert to enforce a contract, is discretionary with him. He may exert it at any time, or in any manner, (not forbidden by the same law) his judgment and discretion, may dictate, upon a deliberate view of the condition of his debtor, of the efforts he has used, and the means he possesses of making payment. And is the understanding of civil society less to be confided in, as regards the exertion of its force in obtaining the performance of contracts, or reparation for their infraction, than that of individuals in a state of nature? If so, civil society should dissolve itself, and revert to a state of nature.—The social compact implies an obligation, on the part of the sovereign, to provide for the administration of justice by remedial enactments. But as all, and each of the members of civil society, are equally interested in its well being, and prosperity. Each stands obliged to claim only that justice in his case, which may be afforded, by the sovereign, compatibly with the justice, which is due to *each* and *all* the other members of the community—justice therefore is not, and cannot *justly* be administered in any particular case, without due regard to the condition of society, and the infinitely ramified relations inseparately connected with it, and the just claims which result from those relations—civil society, however numerous its members may be, must, in the administration of justice, or which is the same thing, in the enactment of remedial laws, be considered an homogeneous mass, and nothing can be justly done in relation to any *part* which inflicts *injustice* upon the *whole*. That contracts should be made, and credit extended is according to the law of nature—The only dowry with which Heaven ushers mortals into existence, is their intellectual and muscular powers—these are bestowed in association with the mandate, that they are to be exerted in accordance with the laws of nature, or the laws of society, which are the same, in achievements necessary to human comfort, and conducive to social happiness. Each individual to obtain subsistence, must anticipate his energies—he has no property—he has only the power of acquiring it by the sweat of his face—a denunciation, not less plainly written in the volume of nature, than in the volume of revelation—he needs clothing and victuals—he must obtain them upon credit, or perish—but it would have been idle to have created him, just that he might perish in the dawn of existence—such a motive cannot, without

sacrilege, be ascribed to the Great Supreme ; credit is therefore sanctioned by the laws of nature, and of course by the laws of civil society. But credit is moreover essential to enterprize, and enterprize is essential to prosperity, individual, and social.

Now to prove that the Legislature in its remedial enactings, should regard the relation sustained by the individual litigants, to the other members of society, and the interests, prosperity and happiness of the whole, in connexion with both. The following case is put : B, an enterprizing citizen, has by his industry and skill, acquired property of the value of \$5,000 ; in the view still to increase his fortune, and improve his condition, he obtains credit with C, D, E, F and G, and becomes indebted to each \$500—he is about to engage in a laudable enterprize, which promises flattering results, with which he makes them respectively acquainted—he hazards in the enterprize but half his fortune, reserving the other half as a reasonable competence for the sustenance of his wife and children, in the event that his enterprize fails ; a sudden change takes place in the condition of society ; or his vessel sinks in a storm, whereby the \$2,500, and his anticipated profits upon it, are lost—a sudden diminution or influx of the circulating medium takes place. He is unable to pay his five creditors, the time for payment has elapsed ; C, the first of them, is about to commence suit for his \$500. But the remaining half of his fortune, will not at an instant forced sale, pay more than the amount of C's debt—such is the changed condition of society and of things. But if time were afforded him, he could by his industry, enterprize and skill, be enabled to pay each of the five, the amount due him, and have a little residuum for the support of his wife and children. His case is but a sample of the general condition of society. The change of things has effected all, or at least a great majority of the community, in something like the same way: What should be done ? ought not civil society so to change the remedial system, as to suit it, to the changed condition of society ? or ought the existing system which had in its enaction been suited to the most happy and prosperous state of things, to be retained, as the instrument of ruin and oppression—as the instrument, in the case put, of fraud upon the remaining four creditors of B, and of his entire ruin ? would the four creditors, in a state of nature, have permitted C to swallow up the total of B's property, in the payment of his debt, and leave them unpaid, and without the hope of being ever paid—ought they to have done it ? they would not, they ought not—they would have constrained C to unite with them in indulging B, to an extent that would have saved all their debts, and left him under the cheering influence of hope—and what they would not, and ought not to do—ought civil society to do ?

Montesqu   lays it down as political orthodoxy, "that laws should be *relative* to the *nature* and *principle* of the government"—that they should be relative to the climate of each country, to the quality of its soil, to its situation and extent; to the manner of living of the inhabitants, they should have a relation to the degree of liberty which the constitution will bear—to their inclinations, riches, numbers, commerce, manners and customs, &c." The foregoing are laid down as the great principles of judicious Legislation—they are illustrated and established throughout his spirit of laws, a work which by rescuing the science of government from the obscurity in which ignorance and superstition had involved it, conferred immortality upon its author. The *principle* of a republic is virtue, of a monarchy is honor, and of despotism is fear. Strange, that in a republic, the appellate court should have selected *fear*, the principle of *despotism* as the *motive* to duty. But if the new doctrine be correct, the Legislative power cannot be exerted in the enactment of laws, relatively, or suitable to the condition of society—civil society must enjoy an exemption from the vicissitudes, to which the destinies have subjected the affairs of individuals, and of empires, or, it must submit to the unmitigated rigor of those vicissitudes. Its condition in peace and war, in plenty and scarcity, health and disease, must remain the same. If the plague, the leprosy, or the small pox, were to visit society, no law could be passed, providing for the segregation of the unhappy sufferers—It would be in violation, it may be supposed, of the obligation of the social compact—It would at least, be an alteration of the existing laws in relation to social intercourse—the remedial system must remain the same, or it must, in the progress of its duration, be involved in inextricable perplexity, for it can only be altered prospectively.

But such has not been the understanding, or practice of men either in a state of nature or of civil society. The polished member of civilized and refined society is, and must according to human destiny, be alike ignorant of future events, with the rude untutored child of nature. The latter takes shelter in the nearest cave from the impending storm—nor is he at all conscious that his obligation to escape the storm, consisted in the shelter afforded by the cave, from its ravages. But he is very conscious that if he were to intermit his pursuits, and remain in the cave, during the calm, which succeeds the storm, in the view to be arailed of the same remedy, against the like evil, that he would have to expiate his folly in doing so, by his wants, and his sufferings. Nor will he have lived long before he will have learned, that although the seasons, and their order of succession are fixed by fundamental law; yet that the weather in each, is changeable, and capricious: and that though he may predicate

the plans of his life, upon the fixed and stable succession of the seasons ; yet his labour must be often intermitted, and his plans thwarted, by the irregular changes of the weather in each season, which not being able to foresee he could not guard against : He will learn from the volume of nature what the christian learns from that of inspiration—that the wind bloweth where it listeth, and that whence it cometh, or whither it goeth, no man knows. He will learn also that clouds and storms of a desolating character, are often associated with its current ; and he will find that the happiness, at which he aims, will be promoted not less by its exertions to mitigate the effects of adverse and unforeseen occurrences, than by any efforts he could use, of a preventive, or cautionary sort ; all this will be learned alike by the member of civil society, as by the child of *nature*—experience will have taught both ; and the member of society, will get to know, that the adverse occurrences to which he is liable in the civil state, are not better guarded against by the fundamental law of the civil constitution, than are the irregularities and caprices of the weather, by the stability of the seasons ; and that *refuge* is to be found alone, in the wise exercise of that *remedial power*, accorded in the constitution, to the *Legislature*.

What is human life, but an *irregular series* of remedial efforts enjoined upon mortals, by the resistless propensity of their nature, to ameliorate their condition, and does not reason sanction these efforts.

But why, it may be asked, were not the states, upon the formation of the constitution of the United States, melted down, and their existence abolished, if the doctrine be correct, that they cannot suit their remedial-system, by varying it, to the varied condition of society. If one unaltered, and unalterable system of laws, was destined to regulate, in perpetuity, the concerns of the people of the republics of America—If the people in the state of Maine, and of Georgia, and of all the intermediate states, however different in manners, customs pursuits and inclinations, inhabiting different soils, and influenced by different climates, could flourish and prosper, under the same unvaried remedial system, why the afflicting expense of sustaining twenty-four different states, with the legislative, judicial and executive machineries of sovereignty ? Why, under this hypothesis, are they taunted with the *mock-lineaments*, contexture, and aspect of sovereigns, when in *very deed*, they are dwarf-vassals ? Are the principles laid down by Montesque, vapid and illusory, and were the patriots, who achieved the independence of the American states, and formed their respective constitutions, and that of the United States, deluded into the erroneous belief, that those principles were correct, and had been verified by the experience of past ages ? Were they mistaken when they believed

that Heaven had not assigned geographic limits, to the potential extent of republican government? That all attempts, therefore, at its extension, had been abortive, *only* because in its spread, it had not carried with its expansion, the power and the machinery, of local legislation? And were the state constitutions formed, and the power of local legislation reserved in them, to the respective states, in the same mistaken views? And was it reserved, for the judges to detect and proclaim the error? To ascertain that the great rules of right, consists alone in the remedy—That the *only obligation* of a contract consists *alone* in the power to enforce it, which existed at the time it was made. To proclaim and enforce a doctrine which unnerves the legislative arm, paralyzes its power, and throws it into a state of helpless inaction—of chemical fixation? It is not unfair when a doctrine so novel, and so extensively operative, is about to be propagated, to dwell a little upon its probable political effects. The government of the United States, and of the states, are, it must be acknowledged, dependent for their existence, and duration, upon the *will* of the good people who compose them—This dependence is settled by fundamental law. In each constitution the people have reserved to themselves, as an indefeasible right, the power to alter, amend, or abolish the form of government, thereby established. The will of men is very much influenced by their feelings and their affections—their affections and their feelings have much to do in the formation of their opinions. The strength of these governments, happily depends, not upon any system of physical force, contrived for their invigoration; but depends upon, and consists in the affections and will of the people, who compose them—The right of suffrage throughout the states, with but few exceptions, is as it ought to be, unqualified; consists alone in the unhampered exercise of matured discretion. Can it therefore accord with correct political principles, to diminish, or, to alienate the affections of the people from their government—by demanding of them “brick and denying them straw?” Is not the affections of the people the *anchorage* of the government? Let it not be forgotten that the affections of a people, will always be found flowing in the channels of their interest.

Let this argument be illustrated by example. The staple of the state of Louisiana is sugar; that of the state of Mississippi cotton—that of Ohio, flour—and of Virginia, tobacco. It has been already stated that credit is necessary to individual and social prosperity—That man to advance and prosper, must anticipate his energies, which can only be done by the exercise of that confidence which is essential to social intercourse. The sugar planters in Louisiana—the cotton growers in Mississippi—the farmers of Ohio—and the planters in Virginia, may in ev-

ery year anticipate their crops respectively—anticipation to that extent, is not only allowable, but justifiable—Each confides in the Heavens, its dews, its rains, and its sunshine—Its general course has been kindly, and invited confidence to that extent. But unexpectedly a frost nips the cane, defeats the hopes, and blasts the crop of the sugar planters, who compose the mass of the stable population of that state. The weavel, the fly, or the rust, invades and desolates the wheat crops in the state of Ohio. The rot or the frost visits and destroys the cotton crops in the state of Mississippi. The worm besieges and destroys the growing tobacco in Virginia, and the armour worm marches across the plains of Kentucky, and desolates its fields, and its meadows. The existing remedial systems in their several states, was enacted in auspicious times, and suited to their prosperous condition. To the habitual kindness of the Heavens. What is to be done? shall a single unseasonable frost in Louisiana, subject the sugar plantations of that state, to instant sale under the hammer, and their proprietors to ruin? Is there no remedial power in that state, which can be exerted by its legislature, to avert so great a calamity? Is the sovereign remedial power of Virginia to be vanquished by the tobacco worm? Can the armour worm conquer the state of Kentucky, and disarm it, of its remedial energies; and must the legislative remedial power of the great state of Ohio, yield to the force of the feeblest, and most contemptible insect tribes? The effects of a late frost, or, of a long protracted rain upon the cotton of Mississippi, must remain alike remediless. And must the good people of these states be told, that there exists no power in their governments, to soften the rigor of these visitations—visitations, which if they cannot be softened by remedial enactments, must eventuate in the ruin of the great body of the staple population of these states, and in the alienation of their affections, from that government, by the sternness of whose indifference to their calamities, they will suppose themselves to have been destroyed. They will have been made from good citizens, in whose affections the government had its best anchorage—an anchorage guaranteed by all the domiciliary sanctities, enemies to their government—adventurers, ready to flock to the standard of experiment or revolt. They may gain, they cannot lose. They have lost their homes, their fire-sides, and their alters, with which their patriotism was identified. They had a government—they had a country—they have now neither—they have both to seek. The force, with which David subverted the empire of Saul, was of that description. “And David therefore departed thence, and escaped to the cave Adullam, and every one that was in distress, and every one that was in debt, and every one that was discontented, gathered themselves unto him,

"and he became a captain over them," &c. (1st Sam. 22 chap. v. 1, 2,) The dangerous impolicy of the doctrine, ought not, it is believed, to have been without its weight, with the judges, when they were advancing by *construction*, to its establishment.

The power of enacting remedial laws, is not indeed denied in terms, to the legislature—they are *permitted*, say two of the judges, to enact them prospectively; but in the cases just put, and indeed in all the cases, in which to avoid public calamity, the exercise of the remedial power, would be necessary, or could be useful, it must be exerted in mitigation of the influence of unforeseen and unexpected events, upon existing contracts. The power accorded, by a majority of the judges, to the state, never could be wisely exercised in relation to those, upon whose contracts it would operate: they would have been made with such a knowledge of the existing pressure, as would not entitle those bound by them, to exemption from it. To say, to a great portion of a community, who had become indebted by a reasonable anticipation of their resources, and were about to be ruined by an unexpected revolution in the state of affairs; that the rigor of their condition could not be alleviated; that the sovereign power of the state, could not be exerted, to soften it—that their calamities, although unexpected, and of a character that prudence could not have averted, must be borne, if it should even grind them to dust. That the remedial power of the state could only be exerted prospectively; exerted so as not to benefit, or save them, but to benefit and save their creditors, and speculators, who might grow rich by their irremediable ruin.—For a state, thus to speak to her afflicted citizens, would be ungracious, at least, as it related to them, and somewhat humiliating, as it related to herself. The power accorded by the judges to the legislature, is the power of enacting a remedial system in times of great public calamity, not for the purpose, or in the view, of saving the citizens of the state from ruin by its pressure, but for the purpose of being used, when calamity, its causes, and effects, shall have passed away—That is, when it would be inappropriate, and would not be needed. It is not therefore, unworthy of remark, that the permission conceded by the two judges to the legislature, to enact remedial laws prospectively, is in effect, in consonance with the opinion of the third judge, which denies to this department, the power to enact remedial laws. For having denied the exercise of it to the states, in the only cases, and under the only circumstances, in which there could exist a motive to exercise it; their permission of the power, where it would be inexpedient, and even silly to exercise it, can be neither more nor less, than a disguised denial of it. It is to say the best of it, giving to the people a stone when they ask for bread.

But there are other aspects of the opinion, believed to be irreconcilable with principles of political orthodoxy. It is of the essence of sovereign power, that there shall exist no restraints upon its exercise, other than those imposed by the laws of its existence. That it shall know no restraint upon its exercise, which is not found in fundamental law, or in its own discretion. When therefore it is restrained from action, or restricted in its agency, by any other cause, or power, it ceases to be sovereign, and acknowledges the power, by which it is restrained, to be paramount. The restraining power must, in the nature of things, (so far at least, as relates to itself and the power restrained,) be sovereign; and the power restrained must, on the same principles, be vassal. According to the opinion of the court, any two citizens of the state, may by contract oblige the state, to retain the remedial system, existing at the time of its date, until it shall *please* the one, or the other, to resort to the forum, for its enforcement, or for reparation for its infraction. Though the contract be executory, and not to be performed for twenty, or even thirty years thereafter. If the state shall in its advancement in science, and refinement, have found it necessary to repeal the system. The repeal is to go for nothing, as it relates to creditors by contract, anterior to its repeal. They will have the right to exact from the state a recovery of their claims, according to the long since exploded, and perhaps forgotten system. It is not less a rule of law, than of good sense, that a law by its repeal goes into non-existence, and cannot be afterwards efficient—that all proceedings depending upon a law at the time of its repeal, fall with it, unless there be a saving in the repealing statute in their favor. But this rule is reversed by the decision, and a repealed statute, is either *not* repealed, or it is *re-enacted* by the court. Either the state have not the power to repeal it, in relation to creditors of that description, or the court has the power to re-enact it, in their favor—But not only have any two citizens of the state, this controul, over the sovereign power, which it possesses, but any two, of any state, nation, or kingdom, have the like power; so that the sovereign legislative power of the state, may be exerted in the alteration or amendment of its laws, subject to the *super-vision and controul of creditors*, alien, or domestic, civilized, or savage. - This limitation upon the exercise of legislative power, cannot be viewed in any other light than as a *courtous* denial of it: For when it is considered that the relation of debtor and creditor, is one of continuous and unceasing recurrence, throughout the societies of the civilized world—that the same person is almost always debtor, as well as creditor—that the same persons are debtors as well as creditors, under contracts of different dates, and of all possible modifications. The rela-

tion of debtor and creditor, will present itself to the view of intelligence, as a fiducial stream, which like the natural, consists of confluent globules, incapable of separation, for any useful, or practicable purpose, within the scope of legislative power—for society never can be divided into two classes, the one debtor, the other creditor: the waters of the ocean might as readily be divided, the salt, from the fresh.

Each of the judges condescends to notice, in the division of the subject, the constitution of the state. But each seems to have extracted enough, by the process of construction, from the 10th section of the 1st article of the constitution of the United States, to vacate the state laws, and to invalidate the power employed in their enactment. The third judge, does indeed invoke to the aid of his construction of that section, the ephemeral effusions of the revolutionary period of the American history, not excepting, even the querulous ebullitions, of foreign ministers. But neither condescend to shew by reference to, or comment on the provisions of the state constitution, that his construction of the former, is in harmony with, or is supported by the latter. The 13th section of the 10th article of the constitution of the state of Kentucky, is the part of that instrument, to which they are presumed to have alluded. It is in the following words:—"That courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have *remedy by due course of law*; and right and justice, administered, without sale, denial or delay:" which should be considered in connection with the 14th section, which immediately follows it, and is in these words: "That no power of suspending laws, shall be exercised, except by the legislature, or its authority." These two clauses, are evidently and emphatically addressed to the judiciary. By the first, the duty of administering justice by the *due course of law*, without sale, denial or delay, is enjoined upon the judges; they are not to *make laws*, or *repeal* laws, but are to administer justice according to the laws, by due course of law. The laws enacted by the Legislature, are to form the rule of decision. They cannot repeal or suspend them. They must conform to them in all their adjudications, unless indeed the laws are *obviously*, and *palpably* unconstitutional. But the judges have in this case not only repealed the laws of their state, but they have repealed the 14th article last above quoted, of the constitution of their state. They have moreover re-enacted laws which have been repealed; and two of them have invested themselves with this power, by elaborate and lengthy disquisitions, of an abstract and metaphysical character. The third is as blunt, as he is bold, in the vacation of the laws of his state. But ought they not, it may be asked, to have displayed in the process of their construction,

some regard to the opinions of the sages and patriots who have spoken and acted on this subject? Was the judgment of the convention who formed the state constitution, and of the congress who explored it, and admitted Kentucky into the union as an independent state, upon the conviction, that her constitution was not incompatible with that of the United States; strengthened too, by the approving intellection of the state, under the most solemn sanctions, in its practical exposition, during a period of twenty-four years. unworthy of their regard. Should these considerations have been lightly considered? Should they have weighed nothing, with the judges, especially when they were travelling the devious path of dubious construction—a path for which they had left the well beat, and long trodden highway? In the formation of the state constitution, the best, the most experienced intellect of Kentucky was employed. The members of the convention had before them the constitution of the United States. They were invoked by their own interests, their own rights, by the interests, prosperity and rights of their offspring, and of posterity, by all the solemn considerations which are associated in the human mind, with the blessings of civil liberty, and a republican, the best form of civil government, to explore well the ground which they occupied; and so to define and establish the rights of Kentucky, that they might co-exist, harmoniously, with the pre-established rights of the United States. And can it be supposed, that the discovery now made by the three judges, escaped not only their research, but the research and observation of the congress of the United States, by whose solemn act, the constitution of Kentucky was approved, and she thereon admitted into the Union. How did it happen, that this discovery was not made by these judges, or their predecessors during the last twenty-four years? How happened it, that the enlightened state of Virginia, has been violating the obligation of contracts, since the year 1748, and that none of her judges, and statesmen, had the accumen, to discover it? How did it happen that all the states committed the like violation of the obligation of contracts, during the pressure occasioned by the embargo, and that occasioned afterwards by the war, in their remedial enactings, and that there was not discernment enough among the American people, to make the discovery, and proclaim the wrong? Were the discoveries of their wisdom, stifled by the impulses of their patriotism, during those trying junctures: and was it therefore reserved to the appellate court of Kentucky, to promulgate the discovery at *this time*, when the practical utility and intrinsic strength of the principle, might be displayed in the instant prostration of a remedial system, which the legislature of the state, under the illusion that it possessed the power, had by a series of successive annual enactings,

accommodated to the condition of embarrassment into which the people had been unexpectedly thrown, by causes not within their control?

It is true, the United States' Bank did not exist, during all the time referred to, in that almost boundless amplitude of dimension, in which it has seemed latterly to have been arrayed on the part, and under the fostering care of the national courts, against the states. That is a monied institution, and (as money is power,) of course an institution of power commensurate with its capital. Its motto is, "Pay me that thou owest me." A rigid punctuality (but ill according with the agricultural habits, and varying condition and resources of most of the states,) is exacted by that institution. From it therefore, such an exposition of the 10th section of the first article of the constitution, as would by paralysing the sovereign power of the states, remove all impediments to its operation, according to the laws of its nature and contexture, might have been expected. It is formed to prosper, only by the *metallic* punctuality, which it enforces with remorseless rigor. Its doctrines and faculties are favorable only to commerce, and to commercial societies. It is not intended to be intimated, that the decision was formed under any conscious influence from that quarter. Impurity of motive is not ascribed to the judges; but as the consequences of an erroneous opinion may be as injurious to society, as a corrupt one; society is under no more obligation to submit to a palpably erroneous opinion, if it be extensively and radically injurious, than to an obviously corrupt one; although, it may be believed that the judges who delivered the former, are, as in this case, incapable of the latter. When error, associated with purity of motive, emanates from the judicial department, the question should be, can it be tolerated compatibly with the great and substantial rights and interests of the community? If it can, it should be connived at: If it cannot, it should be combated, and refuted. At least, it should be denied the power of propagating itself. The decision, to say the least of it, is believed to be of that character. The supposition, that the remedy alone constitutes the obligation of a contract, is predicated upon an entire want of confidence amongst men. Upon the extinction in the human heart, not only of all its honorable and honest sensations, of all its love of justice, and of all its charitable impulses; but of all its social tendencies—a predication, at war with the first principles of civil government.—Confidence is the principle of cohesion in society: its function in the moral region, is analagous to that of gravitation in the natural—It is the offspring of the social, selfish, and religious tendencies, and bias of human nature. The decision takes it for granted that, in all contracts, the parties instead of confiding in the honesty,

capacity and punctuality of each other, confide alone in the power of the government as displayed in the existing remedial laws, to coerce performance. That is: that every contract is made not only with the knowledge on the part of the creditor, that it will be violated, but with the intention on the part of the debtor to violate it. And of course, that the creditor contracts for the purchase of a law suit, in which he holds the state bound to let him have the very *identical law*, for which he contracted; the law which he purchased from his debtor, and for the payment of which *in kind*, the state was bound as his security.—The tendency of such a doctrine to demoralize the people—its anti-social and degrading tendency, must be too obvious to require illustration. The old maxim, “that the law abhors a multiplicity of suits,” is reversed by this decision; and the rules and the legal machinery of litigation, are made *negotiable*, and proclaimed as the *obligation* of contracts.

There is a striking peculiarity of doctrine proclaimed by the decision, which has not been yet noticed; and that is, that the existing shape of the remedy at the date of the contract is binding upon the debtor, and upon the state, but not upon the creditor. He may, at his option, vacate or affirm the law altering the remedy, which constituted according to the decision, the obligation of his contract, on the ground that it is unconstitutional and void. Yet the law which is thus void, absolutely so, shall be valid if he shall so choose; and though absolutely void, shall bind the debtor and his security in a replevin bond, taken under it, until the creditor shall deign to indicate his *will* to the contrary. If a contract shall be made when the law allows a replevy of three months—a law repealing that, and allowing a replevy of twelve months, is unconstitutional and void, if the creditor shall so choose, and his debtor must be subjected to instant execution. He cannot replevy for three months, because the law allowing that length of replevy has been repealed. He cannot replevy for twelve months, because the time fixed in the remedy which existed at the date of the contract, was three months. Its repeal was not unconstitutional and void, as relates to the debtor, because, say the court gravely, its repeal is *beneficial* to the creditor. If the law allowing a twelve months’ replevy be repealed, the debtor upon a contract made during its existence, cannot be availed of its provisions; because, say the court again gravely, its repeal is beneficial to the creditor.

The old doctrine of the law, of reason, and of philosophy, that it is of the essence of a contract, that it be *mutual* and *reciprocal* in its obligation, that it be binding upon *both*, or upon *neither*, is reversed and vacated by the decision, which seems throughout *only* to require that the debtor shall be bound to the creditor.

But if time be an item of any importance in a contract, and the remedial system under which it is made forms the *total* of its obligation; then an abridgement or abolition by the legislature, of the length of replevin to which the debtor was entitled by law at the date of the contract, must, according to any fair reasoning, be as unconstitutional and injurious to the debtor, as its enlargement, or prolongation would be to the creditor. The alteration of the time either way, must be *valid* or *void*, as to *both* or *neither*. If the creditor contracted in the view, not of being paid by the time stipulated in the contract, but the time stipulated, or rather designated in the remedial law; then the debt is evidently not due, until the expiration of the time designated in that law.

But this new doctrine, is either not well understood by the court, or they have been unfortunate in the development of it. While they say that the existing remedial system, forms alone the obligation of contracts, they say that the law establishing the courts, and arranging their sessions, is no part of the remedial system—and therefore, they permit the legislature, to alter the judicial system at pleasure; to increase or diminish the number of terms, or sessions in the year—to reduce them to *one* in the year, or *one* in *two years*, without impinging upon the constitution of the United States. And why is not this law arranging the courts, a part of the remedial system? Let the chief justice answer: “Because the *obligation* of a contract consists in the *remedy*, and not in the court which administers the *remedy*; and that, though the courts may be altered, or the *times* and *places* of holding them changed, the *remedy* will be the same. It is true, that the *remedy* will be thereby affected; “but that can only result as an *indirect*, or *collateral* consequence.” One would suppose, that the parties when forming a contract, would not, at the time they were contemplating the remedial system as the obligation of it, be so entirely abstract as to overlook the judges, and their agency, in the enforcement of it. They would be apt to consider them as the chief actors in the remedial drama. To consider the *remedy* as the obligation of a contract, without considering the forum, or the judicial system, according to which it is to be administered, is marvellously abstract: It is, to suppose that a violent fever may be reduced by the contemplation of the lancet, without its actual use in venesection. That the *remedy* for the disease consists in the theory of the healing art, and that the presence and agency of the doctor in the actual administration of medicine, constitutes no part of the *remedy*—that it is alike indifferent to the sick man, whether he shall be visited once, or three times a month, by the physician. His visits and agency are but indirectly, and collaterally connected with his cure, or rather, with

the remedy which is to produce his cure. The doctrine, that the judicial is no part of the remedial system, is one upon which courts may be dispensed with altogether; for, if their presence and agency is no part of the remedy, and the remedy constitutes alone the obligation of the contract, then their presence may be dispensed with altogether, without impairing that obligation.

The judges were driven to the necessity of asserting, that the judicial was no part of the remedial system—for if they had admitted that the judicial formed a part of the remedial system, then, according to their own theory; if the Legislature should ordain that there should hereafter be, but one, in place of three terms of the court in each year, it would be competent for the creditors in all existing contracts, to order the courts to sit three times in each year, and we should have four in place of one term in every year—three ordained by the creditors, and one by the Legislature. The judges would then also alike, with the Legislature, be under the controul of creditors.

But this is not the sense in which the great body of the community has viewed this matter—They consider the remedial machinery and agency of the government, as the *life and soul* of the remedial system; they believe that the *essence* of the remedy consists mainly in its practical application; and that it might as well not exist, as exist, and not be administered.

The farmer knows that the remedy for the weeds, which infest his fields, is not in the plough, the hoe, and the team, but in the seasonable use, and application of them; and that his crop is not to be affected indirectly and collaterally only, if he uses them but once, in place of three or four times during the season. But if he shall have experienced by providential visitation, or otherwise, a loss of a portion of his team, or a diminution of his labouring hands, he will be constrained to use the plough and the hoe, less frequently towards the extermination of the weeds, than he had inclined, or intended to do, or would have done under more prosperous circumstances.

But there is an obvious distinction in the nature of things between right and remedy. The laws which relate to right enter into and form an essential part of the obligation of every contract, and cannot be altered without impairing it. The laws of remedy are in the breast of the Legislature, and may be altered or amended as its discretion shall direct. This has been attempted to be shewn—(it is hoped successfully,) by inferences drawn from first principles. It will now be considered upon the ground of authority. The first case referred to, will be found in 1st Bibb, 561-9. It is the opinion of the appellate court of Kentucky, composed of justices Bibb, Boyle, Wallace and Trimble. It is in the following words: "Upon the propriety of the remedy by petition and summons in this case, notwithstand-

"ing the specialty was given previous to the statute, we can have
 "no doubt. The statute is general as to the description of direct
 "debts, whether they have commenced before, or shall exist af-
 "ter the passage thereof. The statute does not change the es-
 "sence of the contract; it is the mode of recovery only which is
 "changed. If the proper distinction is observed between those
 "laws which have reference to the essence, nature, construction
 "or extent of the contract, and those which have reference only
 "to the mode of enforcing the contract, the question will be plain.
 "The *Lex Temporis* must be regarded in giving a decision upon
 "the essence and nature of the contract. The laws existing at
 "the time of seeking to enforce the contract, must govern, and
 "determine the kind of suit which may be brought—The means
 "afforded by the laws, for enforcing a contract in case of breach
 "or noncompliance makes no part of the contract. If the par-
 "ties to the contract act in good faith they intend to perform the
 "stipulations, and therefore cannot be supposed to have stipulat-
 "ed for dilatory proceedings, in a suit for enforcing the contract.
 "The modes of bringing suit, and of execution, are distinct from,
 "and make no part of the contract itself. They do not enter
 "into the essence of the contract. So the forms of suit, and of ex-
 "ecution, in our own country, at this time, or at that, make no
 "part of a contract at the one time or the other, and the Legis-
 "lature are at liberty to adopt this, or that mode of enforcing
 "contracts, which the circumstances of the country may suggest
 "as expedient." This doctrine was afterwards reiterated and
 affirmed by the same court, in the case of *Rearden vs. Searcy's*
 heirs, reported in 2d Bibb, 103-3. The court was then com-
 posed of chief justice Boyle and justices Wallace, Logan, and
 Clark—the following is their opinion so far as relates to this
 subject. "It is certainly a well settled rule, that the law at the
 "time the contract is made composes a part of it, so far as re-
 "lates to the nature and construction of such contract; but equal-
 "ly well settled that the remedy to enforce such contract, must
 "be according to the law in force at the time such remedy is sought.
 "The subjecting property to execution, which was not so at the
 "time the contract was made, does not in the slightest degree
 "impair the contract; it only extends and enlarges the remedy.
 "Contracts are not made with an eye to the laws that shall en-
 "force them, or to what property shall, or shall not be liable to
 "execution; but with an expectation of each party's performing
 "with good faith what he has stipulated to do." This distinction
 between right and remedy thus solemnly uttered, and reiterated
 from the appellate tribunal of the state, with the sanction and
 concurrence of the chief justice, is noticed by him in the late
 decision, with the passing remark, that the point settled in the
 former case, was that a contract for the direct payment of mo-

ney, entered into before the passage of the petition and summons-law, might be enforced, under the provisions of that law, and that in the latter case, the point settled was, that lands might be sold under execution for the payment of debts contracted before the passage of the law subjecting lands to sale under execution for the payment of debts.

It seems to have escaped the recollection of the chief justice that he had, with his brother justices, in the case of *Graves vs. Graves' Executor*, affirmed the distinction between right and remedy so strongly, and so justly taken in the two cases just quoted. The opinion in that case was penned and delivered by the chief justice himself, and is to be found 2d Bibb, 208—his language in relation to the doctrine of right and remedy follows: "With respect to the *nature and construction* of contracts and the *rights and obligations* of parties arising out of them, the *principle is well settled*, that the law of the place where the contracts were made is to govern; but with regard to the *remedy*, the *principle is equally well established*, that the *law of the country* where the contract is sought to be imposed ought to be the *rule of decision*. The statute of limitations does not affect the *validity of the contracts*, but the time of enforcing it, or, in other words, it does not *destroy the right*, but *withholds the remedy*."

Wherever we find the remedial power to exist, whether among erractic hords, in a state of nature, are among people in civil society, we find it exercised according to the discretion of those in whose hands it is placed. In the case of the *Bank of Columbia vs. Okely*, reported in 4th Wheaton 244-5. The Appellate Court of the United States hold the following language on this subject. "In giving this opinion, we attach no importance to the idea of this being a chartered right in the Bank. It is the *remedy* and not the *right*; and as such, we have no doubt of its being subject to the *will of Congress*. The forms of administering justice, and the *duties and powers of courts*, as incident to the *exercise of a branch of sovereign power*, must ever be subject to *Legislative will*, and the power even therein is *unalienable* so as to bind subsequent Legislatures." And in the same book (page 200-1,) the same court, in the case of *Crowninshield vs. Sturges*, speaks as follows upon this subject. "But a still more satisfactory argument is, that the convention did not intend to prohibit the passage of insolvent laws. To punish *honest insolvency* by imprisonment for life, and to make this a constitutional principle, would be an *excess of inhumanity*, which will not readily be imputed to the illustrious patriots who formed our constitution, nor to the people who adopted it. The distinction between the *obligation of a contract* and the *remedy given*

"by the *Legislature* to enforce that obligation, has been taken at
 "the bar, and exists in the nature of things. Without impairing
 "the obligation of contracts, the remedy may certainly be modi-
 "fied as the wisdom of the nation shall direct. Confinement
 "of the debtor may be a punishment for not performing his
 "contract, or may be allowed as a means of inducing him to
 "perform it. But the state may refuse to inflict this punish-
 "ment, or may withhold this means, and leave the contract in
 "full force. Imprisonment is no part of the contract, and sim-
 "ply to release the prisoner does not impair its obligation."
 The doctrine recognized in the cases just quoted from Wheaton,
 was affirmed by the Supreme Court of the United States, in the
 case of *M'Millan vs. M'Neil*, reported in the same volume—the
 case, which the chief justice finds so difficult to understand, and
 therefore, devotes it to the fate which he inflicts upon the reme-
 dial laws of the state, repeals and vacates it. In that case, the
 Supreme court, pursuing the distinction, laid down, in the case
 of *Crowninshield vs. Sturges*, between right and remedy, deter-
 mined that a law of the state of Louisiana, which provides
 that a debtor who shall surrender his effects for the benefit of
 his creditors, shall be absolved from the payment of all the debts
 which he may have at the time of such surrender, was uncon-
 stitutional, whether the debts thus declared to be discharged
 were contracted before or after the passage of that law. Wheth-
 er passed before, or after the contract was made, could not be
 material—for, by the contract the creditor had a right to his
 money, and to recover it, according to the remedial laws of
 that state. But, the law discharged the debtor from the pay-
 ment of it, and therefore, no matter when it passed, impaired,
 or rather destroyed the obligation of the contract, and was
 therefore void. The law evidently went to the extinction of the
 right, and not to the modification of the remedy. The chief
 justice having taken it for granted, that the only law of right
 was to be found in the law of remedy—and, mistaking the law
 of Louisiana for a law entirely remedial; and having settled it
 in his own mind, that a remedial law might be enacted to op-
 erate prospectively—and the contract in that case having been
 made after the passage of the law, he was at a loss to see why it
 should not operate upon the contract, so as to discharge its obli-
 gation—the obligation consisting, according to his theory, in the
 remedy alone. He seems to have overlooked the laws which
 regulate right, and entered into the essence of the obligation of
 contracts, in the expectation of finding that obligation in the
 laws of remedy. The laws of nature, when well understood,
 are the perfection of reason—the common law is the perfection
 of reason. Therefore, the laws of nature and the common law
 are the same. The common law is made by the constitution,

which adopts it, the law of this state. Whatever duties therefore, the laws of nature exact from the conscience of man, in relation to obligations of the perfect sort—the common law makes the same exactions, and gives to the obligation legal force and effect: or, as jurists say, unites the external to the internal obligation, and binds the parties to the performance of it.

The common law rules in relation to the validity, obligatory force, and binding effect of contracts, are known to all lawyers; though all, may not have traced them up to the laws of nature—their true and legitimate source. Those rules require, that the parties to a contract, must be able to contract: that is, they must have arrived at the age which indicates competent maturity of discretion—they must not labour under disability, at the time of contracting—they must possess sanity of mind and memory—they must be in a situation to exercise freedom of will, and they must exert that freedom of will, in the formation of the contract. The subject matter of the contract must be legitimate—unforbidden by conscience, or, what is the same thing, law—for law and conscience unite in the consecration of all the ingredients, which enter into the essence of a contract in civil society. These are some of the rules of law, in relation to the validity of contracts which cannot be impaired by any legislative enactment—from these the legal obligation of a contract flows; and the remedy furnished by the legislature, instead of constituting the legal obligation, is only to be used, when that obligation has been violated, to obtain reparation for its infraction. The appellate court would seem to have mistaken the means, for the end—the effect, for the cause—the remedy, for the disease: a broken contract, a violated obligation is the disease. The legislature enacts the remedial laws; the courts administer them, and the cure is effected. The process is sometimes rapid, and sometimes tardy—and more or less so, according to the morbid, or salubrious state of the social atmosphere. This radical mistake into which the court has fallen, in relation to the laws of right and remedy, runs through the decision and taints all the illustrations which it employs.

The first case selected by the chief justice, to illustrate the new theory, is that of the parol contract for land under the statute of frauds and perjuries; which he says is not obligatory, because the statute denies remedy for its violation. He forgets that the very denial of the remedy, is an implied admission of the contract—Indeed; the statute is predicated, upon not only the tacit admission, but the avowed fact, that those contracts possessed at common law inherent legal obligation—and the statute denies remedy to cases of that kind, not because of their destitution of legal obligation: but because in the application of the remedy for their infraction, there was danger that more

injustice would be done, by perjuries and frauds, in its application, than by withholding it—and even since the statute, where a contract of that character has been so sanctioned by part performance, that the fraudulence of refusing to complete it, overbalances the dangers of the frauds contemplated by the statute—or where the danger of the perjuries contemplated by the statute, are avoided by the admission of the contract, by the defendant in his answer. Their intrinsic legal obligation is recognized and they are decreed to be carried into effect, by all the courts in England and America, where technicality has not the ascendancy over great first principles.

The chief justice was not less unfortunate in his illustrative selection of the statute of limitations. That statute decrees or withholds the remedy, not upon the ground that the remedy is the legal obligation of the contract, which it bars—but upon the presumption that the obligation has been discharged by payment. The reasonable presumption in relation to every man, is, that he will be attentive to his interests. The obligee is presumed, from the length of time in which he has forbore to assert claim, to have no claim—or in other words, the claim which he had is presumed to have been discharged, and therefore, and not because the contract had no legal obligation other than the remedy—the remedy is withheld by the statute.

The quotation from Pothier, will be found upon examination, not to have been more felicitous than the last. That author who deserves the eulogies bestowed upon him by the chief justice, divides obligations, into three classes. 1st. Natural and civil—2d. Civil obligations—3d. Natural obligations. "Obligations are commonly (he says) both *civil* and *natural*. There are however some which are merely *civil obligations*, without being also natural, to the performance of which, the debtor may be constrained by law, although they are *not binding in conscience*. Such is the obligation which results from a judgment, erroneous in law, or fact, when the time within which it might have been reversed, is past; or from an unjust judgment, from which there is no appeal. In either case, the defendant is bound by the judgment and may be constrained by legal means, to pay what in conscience he does not owe. It is the authority of the judgment—*rei judicatæ* which forms this obligation." The obligations which are natural and civil, are the common cases of contract, above alluded to, in which the obligation of common law, unites with the obligation of conscience—and constitutes the *legal obligation*, which the appellate court think, is only to be found in the remedy. The case quoted by the chief justice, is of a merely *civil obligation*—*vinculum juris*, and is exemplified by Pothier, in the case of a judgment at law, which is erroneous but which owing to lapse of time, or some other cause, cannot

be reversed—In which case he tells us, the defendant is *bound*, not by the *remedy*, but by the *judgment*, and may be *constrained by legal means* to pay it—By the *judgment* he is *bound*—the *obligation* then is in the *judgment*, and not in *remedy*. He may be *constrained by legal means*, (*viz.* the *remedy*) to discharge the *judgment* by which he is bound ; in which this *merely civil obligation exists*. Natural obligations are binding only in honor : but according to the chief justice, natural and civil obligations are *per se* of the same sort, have no legal obligation but what is to be found in the *remedy*. When a suit is commenced upon a contract, that contract is either obligatory, or is not obligatory—if it is not obligatory, the suit is fruitless—no judgment can be pronounced upon it—If it is obligatory, the suit is brought because its obligation has been violated—not because the *remedy* has been violated—The *remedy* is afforded only upon the prediction that the obligation has been broken—When the case comes before the judge, he does not look forward into the laws which regulate the process of *remedy* ; but he looks upon the contract—the situation and condition of the parties—the circumstance under which it was made—the *fairness* practised by each party in the formation of it, and he ascertains by this kind of examination, what was the *will* and intention of the parties, in relation to the subject-matter of the contract, and thus ascertain the nature and extent of the obligation ; for *will* is at the *root* of all obligation. He next ascertains by the appropriate inquiries, that the obligation has been violated, and applies the *remedy* afforded by the legislature, according to the remedial laws—It would certainly be idle in the judge, before he had ascertained that such obligation had been incurred by either party to the contract, to enquire what kind of execution might be issued, whether it could be stayed by writ of error, suspended or replevied ; and that too with the intent of ascertaining whether he had by his contract, incurred any obligation. It would be to invert the order of nature—to mistake the consequences, for the cause. Execution is most evidently *not* the cause, but the consequence of judgment. We would smile at the man, and deride his pretensions to philosophy, who would tell us that the prolific and vivifying influences of light, and heat, produced in the sun, the power, and imposed upon it the duty of emitting light and heat. That the solar concoctions, with which our senses are regaled, were the cause, and not the effect, of solar radiance. The benign influences of a wise remedial system, in civil society, upon the condition of its members, may be assimilated to the effects of physical causes upon the material world.

The remedial systems throughout the civilized world, are predicated upon the fact, that the contracting parties confide in

each other, that each will perform his contract according to its stipulations, within the time agreed upon, and that neither of them looks to, or thinks of the existing remedial system, as constituting the *obligation* which he incurs by the *contract*,—and that the legislature possesses the power of altering, or amending that system, as experience, or emergencies, shall dictate the propriety of doing so. This course has the sanction of reason as well as practice—it is even enjoined by necessity—For when a stipulation for a performance within a given time, has been violated, no sovereign of which we can conceive, can compel its performance *within the time*. It is irreclaimably gone—it is with the days behind the Flood—All that the sovereign can do, is to award to the creditor an equivalent for the injury inflicted upon him by its violation. If the obligation of the contract so far as relates to the time of its performance, is the time of replevin allowed by law, then the suit must always be instituted before the obligation is violated in that particular, which is believed to be inadmissible, if not absurd; for it is a settled rule of law, as well as of reason, that a suit for the violation of the obligation of a contract, cannot be instituted until the time of its performance has passed away. Believing, therefore, that the decision of the court of appeals displays an exertion of judicial power, not conceded to that department by the constitution of the state, greatly injurious if not ruinous, in its practical effects, to very many of the good citizens of this state, and incompatible in the principle which it asserts, with the great and essential rights of civil liberty—with the fundamental principles of republican government, and with the best interests, prosperity and happiness of the community, which are and indeed must forever remain indissolubly associated with these sacred principles.

The members of the Legislature, while they admit the power of the court to declare any law unconstitutional and void, which is *obviously* and *palpably* so, feel themselves reluctantly constrained, by the most solemn obligations of duty, obligations of duty to themselves, to their constituents, to posterity, and to the principles of rational liberty throughout the civilized world, to make their deliberate protest against the *erroneous* and *usurping* doctrines of that decision.

Whereupon: *Resolved by the Legislature of the Commonwealth of Kentucky*, That they do most solemnly protest against the doctrines promulgated in that decision, as ruinous in their practical effects to the good people of this commonwealth, and subversive of their dearest and most invaluable political rights.

Resolved by the authority aforesaid, That in the opinion of this Legislature, the decisions of the Court of Appeals of Kentucky, in the cases of Blair against Williams, and Lapsley

against Brashear, are erroneous; and the laws therein declared to be unconstitutional, are, in the opinion of the present General Assembly, constitutional and valid acts.

Resolved by the authority aforesaid, That any effort which the Legislature may feel it a duty to make, for the contravention of the erroneous doctrines of that decision, ought not to interfere with or obstruct the administration of justice according to the existing laws; which, whether they were or were not expedient, are believed to be constitutional and valid; and which should, when it shall be thought expedient to do so, be repealed by the Legislature, and not by the Appellate Court.

And having performed this painful duty, the Legislature would with much pleasure have withdrawn from the contemplation of a subject so intrinsically disagreeable, if the existing state of things had permitted. The people of Kentucky, though embarrassed were not hopelessly depressed: trusting in the goodness of Heaven, and their own strenuous exertions—encouraged by the rewards which a prolific soil, under the influences of a genial climate, accorded to the labours of husbandry; they had so mitigated the rigours of their remedial system by legislative enactments, as to inspire hope and invigorate industry. They were uniting habits of increased economy with those of industry; they still enjoyed, in the right of self-government, the blessings of liberty; and they were cheered by the conviction, that their difficulties must at no distant period, yield to their increased economy and their industry; the light of prosperity was again beginning to display its faint dawns upon them: when the Appellate Court of the nation and state, (by consentaneous impulse,) as if in the view to exemplify the illusive nature of hope, and the fallacy of the fairest prospects, uttered their respective edicts. The former proclaimed that the state of Kentucky possessed no legislative dominion over its soil; the latter, that the Legislature of the state possessed no power to alter, amend or modify its remedial laws. The former having disfranchized the state, and reduced it to the degrading posture of a province of Virginia—the latter denies to it even provincial legislative powers. The error of the latter has been exposed. For an exposition of an error of the former, reference is made to a petition under the signature of John Rowan and Henry Clay, presented to that court, for a re-hearing in the case of Green and Biddle, the case in which the odious doctrine was proclaimed; and to a series of numbers published in "The Commentator," under the signature of Humphrey Marshall, in which the reasoning employed in the petition is ably illustrated, amplified and enforced. Those documents are connected herewith, and their reasoning adopted.—The declaration by the people of Kentucky, that they *will be*

free, would be superfluous: they cannot, until their habits and nature are changed, be otherwise; and they have no preference for *judicial tyranny*. They will not tolerate tyranny under any disguise; but while they abhor oppression under whatever mask, they love order, and will not violate it until no other alternative is left. Wherefore:

Resolved by the Legislature of the Commonwealth of Kentucky, That they do hereby most solemnly protest, in the name and on the behalf of the good people of Kentucky, against the erroneous, injurious and degrading doctrines of the opinion of the Supreme Court of the United States, pronounced at the last session of that Court, in the case of Green and Biddle.

And it is further resolved, That this Legislature ought, as the first measure to avoid the oppression and degradation inflicted by the opinion upon the state of Kentucky, to present to the Congress of the United States, a temperate but firm remonstrance against its doctrines; and therein to call upon the nation, to guarantee to the state its co-equal sovereignty with the states which compose this union; and also to request Congress therein, so to organize the Supreme Court of the United States, that no constitutional question, growing out of the constitution of the United States, or the constitution of either of the states, involving the validity of state laws, shall not be decided by said Court, unless two-thirds of all the members belonging to said Court shall concur in such decision. And that a committee of two members from the Senate, and four from the House of Representatives, be appointed to prepare and report such remonstrance.

A Resolution as to the qualification of Presidents and Directors of the Banks.

Approved, January 1, 1824.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That it is inexpedient to elect any person as a President or Director of the Bank of Kentucky or its branches, or the Bank of the Commonwealth or branches, whose notes are lying over or in suit.

Resolutions in relation to the sales of articles manufactured in the Penitentiary.

Approved, January 5, 1824.

THE joint committee on the state of the Penitentiary have, according to order, had under consideration the memorial of

George Bergen, to them referred, and now submit the following report :

The memorialist complains that on the 13th day of May last, he purchased of the agent of the Penitentiary, nails of different qualities, in all three hundred and ninety pounds : that for some of the nails, the agent charged two, for some three, and for some four cents, more than the price fixed upon them by the keeper ; that the memorialist offered to permit the agent to weigh and retain out of any box the quantity of nails which that box contained more than he wished to purchase, and that he, the memorialist, would thereby sustain all loss that might accrue by the retail of the nails, if he would sell at the true prices fixed by the keeper—but the agent refused this offer. The agent himself appeared before your committee, and with much candour, admitted the above statements to be true ; and offered as his reasons for so doing, that it was necessary that he should advance upon the price of nails sold by retail, which he had received in boxes, of one hundred pounds each, or he would sustain considerable loss in the sale of that article, superinduced by the necessity of giving down weight to every purchaser, as well as by the quantity of dust, &c. contained in each box ; that by this advance upon the price, he had gained to the institution a surplus of about one hundred dollars, which he had failed to notice in his last annual report, because, for the purpose of promoting the sales of the stores in his possession, he has adopted the practice of crediting small amounts to good customers for a few days at a time ; that at the time of making his report, there was about this amount due the institution, and he could not report it as cash because it consisted in tickets, or accounts against individuals ; that he could not report it as manufactured articles on hand, because it was the proceeds of the sales of those articles.

Your committee have been thus explicit in the detail of facts, that a correct opinion may be formed of the conduct of the agent, of which complaint is made. Although your committee believe that a loss would be sustained by the agent, were he to sell by retail at the prices fixed ; yet it is also believed that an advance of two cents in the pound, would be an indemnification on the retail by very small quantities, and that a greater advance is calculated to retard the sale of that article, and thereby to prejudice the institution ; and although the agent may have credited out a sum equal to the amount of the excess mentioned, yet having done so without authority, your committee conceive that it does not form a sufficient excuse for not having accounted for that surplus.

Your committee do not wish to be understood to impugn the motives of the agent, or to attempt to fix the stamp of corruption upon his conduct in relation to these matters ; but while

they entertain great confidence in his integrity, they are constrained to dissent from him, and disapprove of the course pursued by him. Your committee recommend the adoption of the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That James I. Miles, agent of the Penitentiary, account for and pay over all surplus monies that may have arisen to the institution since he came into office, and file the Treasurer's receipt for the same with the Auditor, and obtain his quietus therefor.

Resolved further, That the said agent shall hereafter in no instance charge more upon the sale of articles manufactured in the Penitentiary, than the prices fixed by the keeper, or other person that may be appointed by law, except upon the sale of nails at retail, and upon that article not more in any instance than two cents on the pound.

A Resolution requiring the Keeper of the Penitentiary to furnish the convicts with Testaments.

Approved, January 7, 1824.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the Keeper of the Penitentiary be, and he is hereby authorized and required to procure, on the best terms he can, one hundred copies of the New Testament, for the use of the convicts in the Penitentiary; and that the Auditor of public accounts issue his warrant on the Treasurer, for such amount of money as may be necessary to purchase them.

A Resolution appointing Commissioners to examine and report the state of the Penitentiary.

Approved, January 7, 1824.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That Charles Miles, Daniel Weisiger, Benjamin B. Johnson and Jephthah Dudley be, and they are hereby appointed commissioners on the part of the state, to make a thorough examination of all the affairs of the Penitentiary, from the first day of October 1821, up to the first day of October 1824, and that they report to the next General Assembly, specially, the amount of manufactured articles on hand at the prices fixed by the keeper; the amount that have been sold annually within that period; the amount of raw materials on hand on the first day of October 1824, which are fit for use, and the amount purchased within the period aforesaid; the amount of debt due the institution with the interest thereon, and the a-

mount of debts collected by the institution since the first day of October 1821, which were contracted before that period, including their interest ; the amount paid into the Treasury, and the amount drawn from it ; the amount charged by the keeper annually within the time aforesaid, for victualing the convicts ; the amount for clothing them ; the amount for their bedding and other expenses incident thereto ; the amount for medical services ; the amount charged for fuel ; the amount charged by the keeper for repairs made on the Penitentiary ; the amount for the hire of guards ; the amount charged for making and repairing tools and machinery for the use of the convicts in their labour ; the amount received annually during the period aforesaid by the keeper and agent respectively, by way of salary or compensation, and upon what items they have respectively charged and received a commission ; the amount of manufactured articles furnished the government by virtue of any laws appropriating the same, and for what particular purpose ; what amount has been received by the keeper for the hire of convicts in enlarging the walls of the Penitentiary, and in every other employment ; and what amount of materials has been furnished for such improvements or repairs. The commissioners shall also examine the prices fixed upon the manufactured articles of the institution, in the hands of the agent, and in every instance in which the prices so fixed, are in the opinion of the commissioners, too high to insure a speedy sale, for ready money, they shall reduce the same, and when the prices shall be thus reduced, they shall note the same in the schedule of the articles and report the amount to be deducted by reason of such reduction of price, and the agent shall thereafter be governed in his sales and the keeper in fixing the prices on articles of a similar nature and quality until otherwise directed by the Legislature.

The said commissioners shall also institute an enquiry into the expediency of adopting other manufactories in the institution and report the nature of the manufactories they would recommend ; whether it will in their opinion be expedient to discontinue any of those now carried on. They shall also ascertain the amount of cooking utensils &c. which were delivered over by the late keeper William Sterling, to the present keeper of the Penitentiary, and what amount of money was paid by the government to the late keeper for those articles, by what authority and upon what consideration the same was so paid.

The said commissioners shall also report any other matter which they may deem important to a full exhibition of the state of the institution during the period aforesaid, that it may readily appear what has been the annual gain or loss to the state, and as far as practicable to say, what has been the causes of loss in all instances in which it has occurred.

A Remonstrance to the Congress of the United States on the subject of the decision of the Supreme Court of the United States on the Occupying Claimant Laws of Kentucky.

Approved, January 1824.

The Legislature of Kentucky feels itself constrained to remonstrate, against the principle proclaimed by the Supreme Court of the United States, at the last term of that Court, in the case of Green &c. vs. Biddle. If it should be asked—why the state of Kentucky interferes with the decision of that Court, in a case in which she was not, and could not have been a party; the answer is: Because that Court has, in that case, most afflictingly interfered with the great and essential rights of the state of Kentucky.

Kentucky was, as is known, before she became a state, a portion of Virginia, denominated the *District* of Kentucky. Preparatory to her erection into an independent state, she entered into a compact with Virginia. The compact bears date on the 18th day of December, 1789; and consists of eight articles. The third article, (which provides “that all private rights and interests of land within the said district, *derived* from the laws of Virginia prior to such separation, shall remain valid and secure under the laws of the proposed state, and shall be determined by the laws now existing ~~in this state;~~”) has been interpreted by the Court, in that decision, to be a covenant on the part of Kentucky, not to enact any laws, in relation to such of the lands within her limits, as had been appropriated under the laws of Virginia. A copy of the decision accompanies this remonstrance. A copy of a petition under the signatures of John Rowan and Henry Clay, presented by those gentlemen, on the part of this state, for a re-hearing, or rather for a re-consideration of the case, is also transmitted herewith. The petition was presented to the Court at the term at which the decision was pronounced; and was (it is hoped) hastily over-ruled. From the two documents above referred to, an ample view of the case, the facts which belong to it, and the law which ought to govern it, may be had.

The petition employs a series of appropriate reasoning, which induces the Legislature to adopt it as a part of this remonstrance. The Legislature forbears to express in this remonstrance, the feelings of regret, which the occasion of it inspires: the object of this effort is to avert the humiliation which that decision inflicts; not to anticipate it. While it is believed that the Court, venerable and august as it is! laboured under some unaccountable infatuation, impurity of motive is not imputed to it. Yet the reference by the Court, to the *common law* of England, as the law of Virginia, whence the rights to land in Kentucky were *derived*, and the inferential reasoning which

they employed, led them to a result, which disrobes Kentucky of her sovereign power, and places her in a posture of degradation which she never would have consented, and never can consent to occupy. That Court has in that decision denied to the state of Kentucky the power of legislating, even *remedially*, in relation to the territory, which she acknowledgely possesses—territory, over which neither the Congress, nor any state in the union, can legislate; and subjected her to the code of laws, in relation both to right, and remedy, which existed in Virginia at the date of the compact. The power of legislating is unquestionably, the most prominent of the powers, which constitute the sovereignty of the states. It is the power which involves the representative principle, more intimately and essentially, than any other power claimed, or possessed by the states of the union; and the representative principle is vitally connected with civil liberty, in any shape which it can be supposed to exist. The legislative is the only power, which distinguishes the sovereign, from the vassal; a power, without which no people can be free, even in contemplation. It is in relation to civil society, what the exercise of volition is, in relation to freedom of agency—the man whose will is not the rule of his action, is *not a free agent*; he is the slave of that person, whose *will* controuls him: when the controul is absolute, he is an unqualified slave; when the controul is limited, he is correspondently vassal. Precisely so, with civil societies: they are free, in the degree only in which they are governed by their own will, or in other words, by laws of their own enactment, and vassal, so far as they are governed by the will of others—and it must be matter of but little concern to them, whether the will imposed upon them as the rule of their property and their conduct, be displayed in enactments, or in *edicts*; they are, in either case, alike deprived of self government. And whether the governing power be exerted mediately and covertly, or immediately and openly, can make *but* little difference with a people accustomed to self government, and possessing pride and intelligence enough, to estimate and assert it. They will surrender it in neither case, without the apology of relentless and invisible necessity:

The people of every society must, from the nature and obvious destiny of man, depend upon the *soil* of the country which they inhabit, for sustenance, for convenience, and for social intercourse; they are consequently dependent upon the power that legislates over the soil—and if they do not possess the power of legislating over it, they are not, they cannot be said to be, free: they must be dependent upon, and subject to, the power that legislates over it. They cannot even condemn the land necessary for a road, or subject any portion of it to the erection of a

mill, upon terms other than those, which may be prescribed by an alien power.

The Court in the decision alluded to, have asserted that the district of Kentucky, in the compact which she formed with Virginia in the view to become an independent state, renounced forever, by stipulation in the third article thereof, the right of self government, and the independence at which she aimed—that is : they have so construed the *means* which were employed to produce the *end*, as not only to defeat the *end*, but, produce a result which neither of the parties contemplated, and both deprecated ; a result, infinitely less desirable to the people of Kentucky, than the posture, from which it was their avowed object, in forming the compact, to escape. For, if the District instead of being erected into the state of Kentucky, had remained a part of Virginia, she would have retained a voice, and her proportional weight, in the formation of those laws, by which she would be governed. She would in that case have been a portion of a great, free, and independent state—whereas, by the interpretation given to the third article of the compact, she is left but nominally a state, with less than provincial powers : for if Kentucky were a province to Virginia, or any other state, she might ~~hope to~~ obtain by the fervor of her importunities, in the form of humble petition, from the mother state, some enactment suited to her condition, and calculated to protect honest labour from speculating rapacity. But the condition into which she has been construed by that decision, deprives her (if she cannot escape from it) of even that humiliating hope. Virginia cannot legislate for her—she cannot legislate for herself ; nor can either, or any power on earth, enact or modify even a remedial law, which relates to the soil, so as to suit the condition of Kentucky. The code of laws which existed in Virginia on the 18th of December, 1789, consisted of enactments made as the accruing circumstances, and the varied condition of the people of that state required, through a long tract of time ; from the colonization of the province of Virginia, up till that period. Virginia was an old state, advanced in commerce, refinement and civilization ; the district of Kentucky was comparatively a wilderness. The former bordered on the Atlantic, and enjoyed the intercommunion, and society of states advanced like herself, in commerce and the social politics. Kentucky was solitary and detached in her situation ; she lay far west behind the Great Mountains, and had been the subject of legislation, only, so far as the lands which composed her territory, could be made marketable, by legislative cognizance. Her rising population had occupied the attention of the legislature of Virginia to a very limited extent. The remote situation of the district from the seat of the Virginia government—its need,

of laws suited to its condition ; its destitution of them, and the impracticability of obtaining them, suitably to her wants, as they were evolved, by the peculiar circumstances and condition of the country, formed with the district, a strong motive to become a state, and with Virginia to assent to it. The condition of Kentucky needed the exercise of the legislative power, within the latitudes, which bounded her territory. She would not have needed the exercise of that power if the code of Virginia had been adapted to her condition and circumstances. But that code had been suited to a different climate ; and to a people of different habits, inclinations and pursuits. Yet the Court has fastened upon the people of Kentucky, the *very code*, which, on account of its inaptitude to their condition, they had intended by the compact, to avoid ; and have by their construction of that compact, denied them the *very faculty*, with which it was the purpose of that instrument to invest them : the faculty of, from time to time, enacting laws for themselves, as their varied condition, and their wants might indicate the necessity, or expediency, of doing so. In aspiring to the state posture, and in the formation of the compact, as anolliary to that object, Kentucky looked forward to that increased happiness, and prosperity, which the people might expect from the exercise of the right of self government. That right, subject only to the limitations, imposed upon its exercise, by the constitution of the United States, Kentucky never stipulated to relinquish. Nor is it believed, that a stipulation to that effect, would have been valid.— It is denied, that an express stipulation by a state, to renounce the power of legislating over its territory, would be obligatory and valid. It is believed, that the general scope, and spirit of the constitution of the United States, would restrain any state in the union, from such an act of disfranchisement. No state can, by compact, or otherwise, become the province of another state : still less can any state, under the pretext of erecting a new one, out of its territory, create a province, in the form of a state, or stipulate that a state erected out of its territory, shall possess the form only, without the sovereign power of a state. And what the states could not do by express stipulation, the judiciary, it is contended, cannot do for them, by construction.— The construction of the Court, which thus disfranchises the state of Kentucky, can neither exact the homage of the people upon whom it acts, for the intellect employed in making it, nor conciliate their patience, under its humiliating and afflicting effects. If the same privative effects, were attempted to be produced upon the individual, and political rights of the people of Kentucky, by a foreign armed force, and they were not to repel it at every hazard, they would be denounced as a degenerate race, unworthy of their patriotic sires, who assisted in achiev-

ing the American independence—as a people unworthy of enjoying the freedom they possessed. In that case the United States too, would be bound, at whatever hazard, to vindicate the right of the people of Kentucky, to legislate over the territory of their state—to guarantee to them a republican *form of government*, which includes the right insisted on. And can it make any difference with the people of Kentucky, whether they are deprived of the right of regulating by law, the territory which they inhabit, and the soil which they cultivate, by the Duke de Angouleme, at the head of a French army, or by the erroneous construction of three of the Judges of the Supreme Court of the United States. To them the privation of political and individual rights would be the same. In both instances they would have lost the power essential to freedom—to the right of self government. In the former case, their conscious humiliation would be less than in the latter, in proportion to the sturdiness of the resistance, they would feel conscious of having made; and in proportion to the hope, they might entertain, of emancipating themselves by some happy effort of valor, and thereby regaining their rights—but in the latter case the tyrant code, to which Kentucky is subjected by that decision, is inaccessible, perpetual, and incapable of being changed, beneficially, or suitably to the condition of Kentucky, by any power beneath the sun.

It cannot be denied that the states, before the formation of the constitution of the United States, possessed the power of legislating over the territory within their limits. It cannot be asserted, that a surrender of that power, was made, in that instrument, by the former to the latter—or that any restraint upon the exercise of that power by the states, is to be found in that constitution. The 10th amendment to that instrument provides expressly, that “the powers not delegated (therein) to the United States, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

The provision, in that constitution, for the formation of new states, and their admission into the Union, evidently contemplates their possession of those powers, essential to sovereignty, which were retained by the old states.

That the states of the Union should be sovereign, and co-equally so; seems to be, not only contemplated, but enjoined, by the constitution of the United States. In all their political franchises, in relation to the government of the nation, they are most evidently so—and in all their political rights, in relation to themselves, they cannot if they were so inclined, be otherwise. The sovereign state power is most evidently, not an article, which a state can by compact, or otherwise, either enhance or diminish.

The good of the *whole* requires equipandence in the parts ; and if that equilibrial power, could be disturbed, or destroyed by any one of the states, by paction with another, or otherwise, then would the *minor* controul the *major*—and then would the chances, against the perpetuity of the government of the United States, be as twenty-four to one. If these positions be true, and this reasoning be correct, it will be difficult to ascertain, how the court could have arrived at the conclusion, that the district of Kentucky, in the view to become a sovereign state, stipulated with Virginia, to renounce forever, that portion of sovereign power, which was necessary for appropriate legislation over her territory, and without which, she could not exist as an independent state.

The laws, which the court vacated in that decision, were exacted from the Legislature of Kentucky, by the condition and circumstances of the country—They were, from the multiplicity of conflicting claims to the lands within the state, of vital interest to its prosperity and repose—They were demanded not less by justice than policy ; they secured the honest, but deluded occupant, who believed himself proprietor, because he had been the purchaser, of the land which he occupied, ~~from the loss of~~ the labour of his life, in case of ~~eviction, or a~~ paramount title ; and they had the sanction of the example of Virginia. That state when in a like-situation, had passed laws, upon which those of Kentucky were modelled. The laws enacted by Virginia had performed their functions, and expired, long anterior to the erection of Kentucky into a state—the occasion had ceased, and with it, the laws. Most of the states, particularly those in which the titles to land were dubious and perplexed, have had occasion for laws of the same character, and have enacted them. The condition of no state, ever demanded more imperiously such legislative provisions, than that of Kentucky—in no state, could their vacation inflict greater and more extensive injury upon the people, than in Kentucky. But the injury inflicted upon the people, great and extensive as it is, and much as it is deplored, weighs but comparatively little with these remonstrants : It is the *principle* which that decision establishes, at which they shudder, and with which they can never be reconciled.

The people of Kentucky, tutored in the school of adversity, can bear, and with patience too, the frowns of destiny, and all the adverse occurrences, to which communities are liable—they can bear any thing but degradation, and disfranchisement—they cannot bear to be construed out of their right of self-government—they value their freedom above any thing else, and are as little inclined to be *reasoned* out of it, as they would be to surrender it to *foreign force*.

These remonstrants are not unaware that the states will some-

times err, in the exercise of the legislative power, but they cannot concede that the exercise of that power, should on that account, be denied to them—such a concession would strike at the root of the powers, believed to be necessary to the freedom and independence of the states : For, to what body, upon that principle, could the legislative department of government be confided ? Where shall we find that body of magistracy, which possesses the high prerogative of infallibility ? If we explore the judicial department, it will be found, that even there, whence passion, the constant associate, and frequently the parent of error, is proscribed, the efforts to *correct*, are but little less frequent and strenuous, than they were in the first instance, to avoid error. Every body of magistracy, being necessarily composed of erratic materials, may be expected to err. Error, when committed in the exercise of its legitimate powers, by the Legislative body, must necessarily be left to that department for correction.—It is the high prerogative of the Legislature, to correct whatever errors it may commit, within the legitimate sphere of its action. It is only when it transcends *obviously* and *palpably*, the limits assigned by the constitution, to the exercise of its powers, that the judiciary can vary its enactments. It is surely not competent for the court to *invalidate* a law, because it shall be thought by that tribunal, to be unequal, ~~impolitic~~ or inexpedient in its provisions. The policy or expediency of a law can be judged of by those alone, who are intimately acquainted with the class of subjects, to which it relates, and the connection which exists between those subjects, and other subjects of interest to the community : In short, with the complex concerns of the community. In this view, the power of local legislation was retained by the states. But it was retained to but little purpose, if a central tribunal is to pass upon the laws enacted by the states—the power of legislation must be confided somewhere.—It is of the essence of freedom, that it should be exerted by those who are the subjects of the law—that the people, who compose the society, should enact the laws, which the society needs.—The possession or destitution of that power, constitutes the *mighty difference* which exists between *freedom* and *slavery*.—Kentucky claims to possess the power of legislating for itself ; the decision denies her that power in relation to the most important subjects of its exercise—in relation to her own territory. The decision was given by three, a minority of the judges who compose that tribunal—there was a fourth judge on the bench ; he dissented. Had the third agreed with the fourth, Kentucky had not been disfranchised ; so that in that particular case, the political destiny of a state, was decided by a solitary judge. Can this appeal to the Congress, by the state of Kentucky, upon a subject in which she is so vitally interested, be unavailing ? And

has not the state a right to expect, that her co-equal sovereignty with the other states of the Union, will be guaranteed to her by that body? Has she not a right to expect that the Congress will, either by passing a law requiring, when any question shall come before that tribunal, involving the validity of a law of any of the states, that a concurrence of at least *two-thirds* of all the judges, shall be necessary to its vacation; or increasing the number of the judges, and thereby multiplying the chances of the states, to escape the like calamities, and of this state to escape from its present thralldom, by exacting the exercise of more deliberation, and an increased volume of intellect, upon all such questions? These remonstrants would not presume to dictate to the Congress of the United States, the mode to be pursued by that body, for the extrication of this state from the unhappy posture in which it has been placed by the decision of that court—they have confidence in the wisdom, and virtue of the body they address; they have an invincible consciousness of their rights; and they entertain no doubt, but that the Congress will vindicate them, in a manner honorable to itself, and satisfactory to Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a copy of the foregoing remonstrance be transmitted by the Governor, to each of our members in the House of Representatives, and the Senate of Congress, with the request that they severally use their best exertions to produce the result at which it aims.

Resolutions approbatory of the course of the President of the United States, in relation to the struggles of the Greeks and South Americans for freedom, and in relation to the administration of the general government.

Approved, January 7, 1824.

RESOLVED by the Legislature of Kentucky, That the sentiments expressed by the President of the United States, at the opening of Congress, in his message to that body, in relation to the struggle by the Greeks for the right of self government, and particularly the wish which he expresses, that the devotion of that people to the cause of freedom; may be crowned with ultimate success; that Greece, once the admiration of the world, the theme of universal eulogy—ever interesting to literature and science, to the politician and patriot, may achieve her emancipation, burst the shackles of the crescent, and emerging from the gloom of despotism, shine refulgent with the splendours of her pristine freedom; must be the fervent hope of each votary of liberty, and is the enthusiastic prayer of Kentucky.

Resolved, That the recognition of the independence of the Spanish Republics in America, by the government of the United States, has the entire approbation of the people of Kentucky; and they feel, and reciprocate the sentiment expressed by the President in that message, in relation to any attempt which may be made by the Allied Sovereigns of Europe, to reduce those Republics to provincial subjection. That the people are in every state of association, the only legitimate and exclusive source of the sovereign power, which can be exerted in their government, is emphatically proclaimed in that message, and recognized by the people of Kentucky, as an obvious and fundamental truth, worthy of all acceptance; and one which, under any circumstances, must be vindicated by every people who would either establish or maintain their freedom.

Resolved, That the message alluded to, whether its matter or manner be regarded, evinces that its author is well entitled to the confidence of the American people. The President, who at the approach of the close of his administration, recognizes explicitly, and inculcates emphatically, the doctrine that the people are the exclusive sovereigns; that all the functionaries of government are responsible to them; that their approbation is the strongest incentive to official fidelity, and the dread of their censure, the best security against the abuse of their confidence; and that in order that they may exercise ~~their~~ power justly, they should be well informed of the doings of their public functionaries; is surely entitled to the applause of his country, and more particularly, when the whole course of his administration has been conformable to those fundamental doctrines. Such a President is the venerable and patriotic James Monroe. His administration of the government of the United States thus far, whether viewed in relation to foreign or domestic concerns, to the rights of the states, or the powers of the general government, has been in conformity to those principles, which by his revolutionary services he assisted to establish, and which by his public conduct through his life he has practically maintained, has the approbation of the people of this commonwealth.

Resolved, That the expression of public sentiment in relation to public agents and great public measures, displays its usefulness in the strength which it adds to the volume of moral force, requisite for the maintenance by the people, of self government.

Resolved, That a copy of the foregoing resolutions be transmitted to the President of the United States by the Chief Magistrate of this state, who is hereby most respectfully requested to perform that service; and whose performance of it with alacrity, is anticipated, from the sympathy of sentiment which cannot but exist between two such distinguished revolutionary patriots.

A Resolution directing certain repairs to be made to the Capitol.

Approved, January 8, 1824.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the keeper of the State House, proceed forthwith, to have the Balcony painted—have gutters placed around the roof for conducting off the water—to have the foundation pointed—have venetian blinds made for the false windows ; and to have the frames of said windows painted—to be paid for out of the Treasury.

A Resolution for printing and binding the Acts and Journals.

Approved, January 8, 1824.

Resolved by the General Assembly of the Commonwealth of Kentucky, That two thousand copies of the Acts of the present session and one hundred and fifty copies of the Journals be printed by the Public Printers and bound by William Wood and A. C. Keenon, and to be delivered to the Secretary of State for distribution.

A Resolution authorizing the keeper of the Penitentiary to employ the convicts to work on the walls thereof.

Approved,

1823.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the keeper of the Penitentiary be, and hereby is permitted to employ any portion at his discretion, of the convicts under his care, in working on the roof of the new wall of that building at a fair price, under the direction of the undertaker of the work, who may limit the number he will pay by contract.

INDEX.

A

Acts of assembly, mode of distribution altered. 422
 Adair county, act for benefit of late sheriff, 313, 379, 380
 provision concerning chancery term in, altered. 452
 Agents, when they collect money, deprived of the right of replevy if they fail to pay it over. 375
 Aliens, certain authorized to hold lands. 430
 American Sentinel, authorized to insert advertisements. 259
 Anderson John, appropriation to. 473
 Appeals court of, acts concerning amended. 372
 Reporters' duties prescribed. 412
 Apportionment of representation, supplemental acts, 376
 Appropriation of money. 476
 Ance Jacob, act for benefit of. 407
 Asylum Lunatic; act. to carry into operation. 432
 for deaf and dumb, fees for tuition raised. 452
 Attornies at Law, not to have the benefit of replevy in certain cases. 375
 Attornies for commonwealth to be appointed. 340
 Auditor and Treasurer, a variance between their books corrected. 383

B

Bank of commonwealth; additional allowed to certain branches. 335
 to continue calls, cancel the notes and amendments to charter part of profits applied in aid of revenue. 469
 Bank of Kentucky, not to protest notes. 453
 election of directors legalized. 474
 Banks independent, act concerning Bank notes, contracts for the payment of, not to be scaled in certain cases. 397
 Bernet Joseph, act for benefit of him and associates. 362
 Barren county, act for the relief of the surveyor. 271

Barren river big, act to protect the navigation of. 408
 Bath county, allowed an additional justice. 356
 Beer, may be retailed without licence. 368
 Botanical garden established. 419
 Bourbon county, allowed an additional justice. 356
 act for benefit of the sheriff. 378
 Brackenridge county, act for relief of sheriff. 366
 Bullitt county, certain entries in, to be copied. 358

C

Cadiz, part of public square in, to be sold. 282
 Calloway county, election precinct established in. 297
 time of holding courts changed. 398
 Campbell county, election precinct established in. 436
 Casey county, additional constable and justice allowed in. 310, 356
 Centre college, act of incorporation amended. 413
 Champarty and maintenance, laws concerning amended. 443
 Christiansburg, town of regulated. 472
 Christian county, allowed an additional justice. 356
 Cider, may be retailed without licence. 368
 Clay Henry, appropriation to. 344
 Clay county, time of holding circuit courts altered. 426
 Colour, persons of, who are bound to service, penalty for removing. 277, 406
 Commonwealth, editor of authorized to insert advertisements. 284
 Contracts, made after a certain time only entitled to 3 months replevin. 455
 Cumberland county, an election precinct abolished. 364
 Cynthia library company, act of incorporation amended. 353
 town of, acts concerning amended. 431

D

Daviess county, allowed an additional justice, 356
 act for benefit of sheriff. 365
 Decisions of the court of appeals, act concerning publication. 372, 412
 Dicks river, declared navigable. 456
 Directors, additional added to several branches of the bank of the Commonwealth. 335
 of bank Kentucky, election legalized. 474

E

Electoral districts, state laid off into. 457
 Elkton, town of regulated. 278
 Endorsements on executions, laws amended. 375, 397
 Estill circuit court, times of holding changed. 257
 Executions, attorneys and officers deprived of the right of replevying in certain cases. 375
 all but endorsement laws repealed. 390
 contracts payable in paper not to be sealed if paper will be received, 397
 persons in bounds may be discharged and executions taken against their estate. 427
 on contracts after 1st. June 1824, only to be replevied three months. 455

F

Fairfield town of trustees appointed to. 352
 Fayette county, election precinct established in. 345
 additional constable allowed entries made in, to be copied by register. 356
 Fees, of sheriffs for comparing polls. 395
 Fee bills, limitation in relation to amended. 455
 Ferries, law concerning amended. 288
 Fleming county, part of added to Nicholas. 386
 additional constables allowed to. 530
 Floyd county, election precinct established in. 292, 435
 part of added to Morgan place of holding election in one of precincts changed. 468
 Franklin county, act for benefit of sheriff. 379

G

Gaming, acts to suppress amended. 373
 Garrard county, additional justice allowed to. 409
 Graves county, established. 338
 town established in. 460
 Green county, terms of circuit court changed. 410
 Green river Correspondent, editor authorized to insert advertisements. 284
 Greenup county, an election precinct established in. 392
 time of holding courts changed. 426
 Greenupsburg, conveyance of certain lots in, corrected. 368
 Greenville bank of, compact of stockholders confirmed. 467

H

Hardin county, additional justice allowed to. 355
 additional term of county court allowed. 421
 Harlan county, line between it and Knox to be run. 334
 certain records in to be copied. 392
 time of holding circuit courts changed. 426
 Harrison county, election precinct established in. 347
 Harrodsburg library company incorporated. 368
 Hart seminary, act establishing amended. 348
 Hart county, additional justice allowed to. 356
 Hartford bridge company incorporated. 303
 Head right claimants, further indulged. 283
 Hemphill Andrew, act for benefit 316
 Henry county, an election precinct established in. 435
 Herndon Benjamin, act for the benefit of his wife and children amended. 302
 Hickman county, proceedings of county court legalized. 259
 clerk of county court to transcribe certain records. 471
 Hinkston, mill dam authorized to be erected across. 317
 Hopkinsville, act to increase the powers of the trustees of the town of. 275
 Hort Thomas, appropriation to. 389
 Hughes Thomas, act for his benefit. 378

I & J

Jefferson county, certain records in to be copied. 399
 Jessamine county, allowed an additional justice. 356
 act for benefit of sheriff. 399
 Independent banks, act for winding them up amended. 463
 Journals, additional number to be printed and how distributed. 432
 Judicial districts, judges of 11th and 13th districts, further time allowed to remove into their districts. 258
 Justices of peace, jurisdiction in certain cases enlarged. 397

K

Karr Mary and her children; act for their benefit. 295
 Kerns Adam, act for his benefit. 407
 Ketchum Jos. act for his benefit. 318
 Kinkead Robt. appropriation to. 457
 Kinnakinnick declared navigable. 273
 Kirkham James, act for benefit of his heirs. 351
 Knox and ~~Madison~~, line between to be run. 334

L

Lands, act to indulge the headright and Tellico claimants. 283
 Act concerning surveying military. 396
 Act concerning forfeiture of &c. 443
 When sold for taxes may be redeemed. 481
 Lawrence county, court authorized to lay an additional levy. 268
 Election precinct established in. 293, 347
 Time of holding courts changed. 451
 Limestone, Bank of, election of officers confirmed. 466
 Limitation of actions, amendatory act. 287
 Lincoln county, act for benefit of sheriff. 399
 Livingston county allowed an additional constable. 356
 Act for benefit of sheriff. 379
 Logan county, certain entries to be copied. 358
 Allowed additional county courts. 470
 Independent Bank in, act concerning. 463
 Long Brumfield, his executors authorized to convey certain land. 418
 Lottery, for opening road from Bea-

ver Iron works to Prestonsburg amended. 371

In Christian county. 15

Luckett Leaven authorized to complete a mill dam across Hinkston. 317
 Lunatic Asylum, act to carry into operation. 433

M

Madison county, county courts regulated. 470
 Madison seminary, mode of appointing trustees to altered. 279
 Mason county, place of holding the election in a precinct changed. 294
 Allowed additional county courts. 470
 Masters of vessels, not to remove persons of colour from this state. 406
 Mattingly George, act for the benefit of. 262
 Mayfield, town of established. 460
 Maysville, the laws concerning amended. 320
 M'Cown James, appropriation to. 389
 M'Guire Edward, act for the benefit of his widow and children. 354
 M'Millan Sam'l. act for his benefit. 417
 M'Phail Angus, act for benefit of. 309
 Meade county, formed. 336
~~Mercer~~, allowed additional county courts. 406
 Military land claims, act concerning the surveying. 306
 Money, act for the appropriation of. 476
 Moody James, act for his benefit. 417
 Morgan county, seat of justice established. 299
 Citizens to vote at their seat of justice. 301
 Proceedings of courts legalized. 308
 Time of holding courts changed. 451
 Part of Floyd added to. 468
 Allowed an additional justice. 311
 Muddy river, wolf lick fork of declared navigable. 311

N

Nelson county, certain entry books in to be copied. 357
 Allowed additional county courts. 470
 Nicholas county, part of Fleming added to. 330
 Allowed an additional justice. 356
 Nicholasville, act to regulate. 263
 Non residents subject to the same limitations as to bringing actions, as residents. 238

O	
Occupying claimants, bona fide secured.	443
Ohio, act for the relief of the securities of late sheriff.	256, 366
Oldham county formed, and supplemental act.	328, 334
P	
Paris, powers of trustees extended.	285
Penal laws, concerning the removing persons of colour bound to service.	277
Punishment for simple larceny.	481
Pendleton county allowed an additional justice.	350
Penitentiary, act concerning the erection of cells.	410
Perry county, an election precinct established in.	292
Time of holding the circuit courts changed.	426
Pike county, commissioners appointed to fix seat of justice.	280
Place of holding elections in a certain precinct changed.	291
Time of holding courts changed.	451
Presbyterian congregation at Lexington, act for benefit of.	429
R	
Ratification, and representation apportioned, and supplemental acts.	376, 471, 476
Religious societies, act for their benefit amended.	423
Replevy, attorneys and officers deprived of the right in certain cases.	375
Of only three months allowed on certain contracts.	455
Reporter of the decisions of the court of appeals, his duties prescribed.	472, 412
Reports of decisions of court of appeals how distributed.	422
Republican circulating library company incorporated.	424
Resolutions of the session of 1824.	484
Revenue, part of profits of Bank applied in aid of.	469
Lands sold for, may be redeemed.	481
Roads; turnpike road from Madison to Goose creek salt works, law concerning amended.	267
Same from Louisville to Portland.	349
From Lexington to Ghent, act establishing amended.	315
Wilderness, act concerning amended.	265
From Beaver iron works to Prestonsburg, law amended.	371
Fees at certain turnpike gates regulated.	394
From Frankfort to Bowling-green repealed.	398
From Mount Sterling to Virginia line, law amended.	402
From Franklin to Owensboro, rough to be viewed, &c.	405
Rockcastle county, election precinct established in.	436
Retch Joseph and Thomas, appropriation to.	334
S	
Sandy river Little, declared navigable.	270
Big, act to improve the navigation of.	437
Seminaries, act for the benefit of certain.	473
Senators, fees of sheriffs for carrying polls in elections for.	455
Shelby county allowed additional county courts.	470
Place of holding elections in a precinct changed.	472
Sheriffs, actions against them and their wards limited in certain cases.	287
Certain, allowed compensation for carrying polls.	454
Simpson county, proceedings of county court legalized.	317
Slaves, the law respecting the emancipation of amended.	260
Southern college of Kentucky, act for regulation of.	301
Spencer county formed, and supplemental act.	441, 408
T	
Taverns and tippling houses, law concerning amended.	368
Taxes, lands sold for may be redeemed.	481
Tellico, claimants indulged further.	283
Todd county, additional justice allowed to.	356
Todd William L. ferry established on his land.	387
Treasurer and Auditor, a variance between their books corrected.	283
Trigg county, part of public ground authorized to be sold.	282
An election precinct established in.	291
Additional justice allowed to.	400
Turnpike from Louisville to Portland, law establishing amended.	340
On wilderness road, act con-	

erning amended.	365	Allowed additional coun-	
Fees at certain gates regu-		ty courts.	470
lated.	394	Wells William, venue in his case	289
		changed.	274
U		Wheelon John, act for benefit of	356
Usher Agnes Pye, act for her ben-	263	Whitley county, additional justice	426
efit.		and constable allowed to.	461
		Time of holding circuit	451
V		courts changed.	460
Vessels, penalty on masters of for	406	Williams John, venue in his case	470
removing persons of colour in		changed.	426
certain cases.		Woodford county, terms of circuit	451
		court changed.	460
W		Proceedings of county	470
Waggener Herbert G. act for his	380	county legalized.	426
benefit.		Allowed additional coun-	470
Walton Elijah, venue in his case	341	ty courts.	426
changed.		Wooldridge John B. act for benefit	355
Warren county, proceedings of	348	of his executors.	365
county court legalized.	352	Workman Benjamin, act for bene-	
Act for benefit of sheriff.		fit of.	
Two additional constables	356	Wright Benjamin, act for his be-	
allowed to.		nefit.	
Washington county, election pre-	297	Wyatt Thomas, act for his benefit.	
dict established in.			
Additional constable al-	310		
lowed in.			
Two additional justices	356		
allowed to.			

Stanford Law Library



3 6105 063 430 644